

LICENSING SUB COMMITTEE B

A meeting of Licensing Sub Committee B was held on 6 July 2010.

PRESENT: Councillor Biswas (Chair); Councillors G Rogers and Williams.

OFFICERS: J Dixon, T Hodgkinson and S Vickers.

ALSO IN ATTENDANCE: In relation to Agenda Item 3 only:-
C Foster – Applicant.
M Worthy – In support of Applicant.

In relation to Agenda Item 4 only:-
A Jasper – Applicant (Secretary of North Ormesby Institute).
P McGregor – Environmental Health (making representations).
D and K Coxon; R Satterthwaite – local residents (making representations).
Councillor Morby, Park End Ward Councillor (making representations).

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

LICENSING ACT 2003: APPLICATION FOR PREMISES LICENCE – THE WINEBOX, 100 THE AVENUE, NUNTHORPE, MIDDLESBROUGH - REF. NO. MBRO/PRO/0055/068709

A report of the Head of Community Protection had been circulated outlining an application for a Premises Licence in relation to The Winebox, 100 The Avenue, Nunthorpe, Middlesbrough, Ref No. MBRO/PRO/0055/068709, as follows:-

Summary of Proposed Licensable Activities

Supply of Alcohol (Off Sales)

Summary of Proposed Hours for Licensable Activities

9.00am - 11.00pm daily.

Full details of the application and accompanying 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, accompanied by a friend, was present at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

Details of the Application

The Principal Licensing Officer presented the report in relation to an application for a Premises Licence received on 7 May 2010 in relation to The Winebox, 100 The Avenue, Nunthorpe, as outlined above. The applicant had advertised the application, as required by the Licensing Act 2003, in the Herald and Post on 13 May 2010, which was confirmed as being an accurate reflection of the facts by the applicant.

It was highlighted that the premises consisted of an 'off licence' situated in close proximity to residential premises. The Principal Licensing Officer advised that the premises had previously been an 'off licence', however, the licence had lapsed when the previous business had gone into liquidation.

A representation was received from Cleveland Police on 18 May 2010 objecting to the application on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. However, the applicant had agreed to add eight conditions, proposed by Cleveland Police, to the Operating Schedule. Cleveland Police had subsequently withdrawn its representation. A copy of the conditions was attached at Appendix 2) to the submitted report. It was highlighted that, in addition to the conditions agreed with Cleveland Police, the applicant had also agreed to amend the trading hours applied for to 9.00am to 10.00pm daily.

A representation was received from J Thornton, local resident, on 27 May 2010 objecting to the application on the grounds of the prevention of public nuisance and a copy was attached at Appendix 3) to the submitted report. The Principal Licensing Officer advised that Mr Thornton had contacted him on 5 July 2010 stating that he was unable to attend the Hearing but requested that his letter of objection be read aloud on his behalf.

The Principal Licensing Officer advised the Committee that he had received confirmation from the Nunthorpe Ward Councillors, Councillors Sanderson and B Thompson, on 30 June 2010, that they had considered the application and the conditions agreed with Cleveland Police, and were in support of the application.

Applicant in Attendance

The applicant was in attendance at the meeting and presented her case in support of the application.

The applicant stated that she considered her business would be good for the area and that she had gained a lot of support from local residents.

The applicant explained that she was already a Personal Licence Holder and held a Premises Licence with a neighbouring Authority in relation to a similar business. The applicant confirmed that she had not experienced any problems in relation to her other premises and worked closely with local Police and was a member of the Pubwatch Scheme.

The applicant acknowledged that Cleveland Police had initially objected to her application but she had liaised with them and agreed to the conditions they had proposed in relation to the application.

Mr Worthy – in support of the Applicant

Mr Worthy was invited to speak in support of the applicant. Mr Worthy advised that he was the owner of the fish and chip shop at The Avenue shopping parade had been trading there for approximately 20 years, as had his parents before him. Mr Worthy advised that he had known the applicant for several years and found her to be a responsible person. It was highlighted that the applicant's premises had been a wine store since 1963. During this time, Mr Worthy had established a good working relationship with local Police and Street Wardens and also considered that he and his staff had good relationships with the local young people. He stated that anti-social behaviour in the vicinity of the shops had almost certainly declined prior to the closure of the wine store in December 2009.

Mr Worthy stated that the applicant had agreed to everything requested of her by the Police and the Local Authority and he was in possession of a 140-signature petition in support of the application. Of those people approached to sign the petition, only two had declined. Mr Worthy highlighted that there were currently four empty premises at the shopping parade and that if the application in relation to the wine store was refused there was a risk of the precinct dying.

The applicant explained that she had previously worked at the premises when it was an off licence. She knew the area very well and had not experienced any problems. The applicant added that the local shopkeepers worked closely with Police and Street Wardens, however, she considered the premises to be situated in a nice area with little trouble. The applicant's employee was also a Personal Licence Holder and had been manager of the previous

business situated at the premises. The applicant added that she had not experienced any problems with her other premises.

Questions to the Applicant

Members of the Committee were afforded the opportunity to ask questions of the applicant and the following issues were raised:-

- In response to a query regarding the petition, the Council's legal representative advised that it was a matter for the Committee to decide whether it wished to consider the petition. The objector could have had sight of the petition had he been present.
- In response to a query the applicant confirmed that she was aware of all relevant licensing legislation as a Personal Licence Holder.
- The applicant was asked how much time she intended to devote to the premises in Nunthorpe should her application be successful. The applicant responded that she currently worked 12 hours a day, seven days a week at her Stokesley premises but intended to employ more staff at that store and would work with her employee at Nunthorpe 70% of the time and 30% of the time at Stokesley. Eventually her time would be split 50-50 between the two premises.
- In relation to the applicant's premises in Nunthorpe, it was queried whether the Police had given any indication as to whether the previous business operated from the premises had experienced any trouble. The applicant replied that the previous business had never made any underage sales and that there were no direct problems attributable to the premises.
- A Member referred to the objector's letter that made reference to problems late at night and, in response to a query, the applicant confirmed that she had amended the hours requested to close at 10.00pm rather than 11.00pm.
- The applicant was asked whether there were any other aspects of the objector's letter that she felt able to address. The applicant responded that her business would be a specialised wine store that took away the attraction for young people. She stated that she would only stock a very small range of 'alcopops', approximately 2% of her total stock and she had agreed with Police not to stock Perry.
- In response to a question the applicant confirmed that she would be the Designated Premises Supervisor (DPS) at the premises and that her employee was also a Personal Licence Holder and had managed the previous business from the premises.
- The applicant added that both she and her employee were fully aware of the importance of promoting the four licensing objectives and that further training for staff, where necessary, would be provided. The Principal Licensing Officer advised that the Licensing department held regular Off-Licence Forums to which the applicant would be invited to attend.

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

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

ORDERED that the application for a Premises Licence in respect of The Winebox, 100 The Avenue, Nunthorpe, Middlesbrough, Ref No. MBRO/PRO/0055/068709, be granted as follows:-

1. Sale of alcohol (off sales) from 9.00am – 10.00pm daily.

2. That the following conditions agreed between the applicant and Cleveland Police be added to the Operating Schedule:-
 1. The premises to be fitted with digital colour CCTV that will monitor the premises internally and externally. All footage to be retained for a minimum of 31 days and CD ROMS must be kept in a locked and secure cabinet.
 2. No Perry to be stocked or sold from the premises at any time.
 3. A refusals book to be kept on the premises and maintained at all times.
 4. All person(s) who appear under the age of 21 will be challenged for identification in accordance with 'Challenge 21'.
 5. The owner must exhibit prominent notices in the premises emphasising that sales to under 18s were illegal and that customers would be asked to produce photographic identification (ie valid passport/driving licence) as proof of age. The notice should clearly indicate that if no relevant ID was produced the sale of alcohol would be refused.
 6. All staff must be trained and re-trained on a regular basis in relation to the sale of alcohol to underage person(s) and person(s) appearing to be under the influence of alcohol.
 7. Signs must be displayed at the checkouts reminding staff to check proof of age.
 8. An incident book to be kept at the premises and maintained recording all incidents of crime and disorder.

In reaching the above decision Members had considered the following:-

1. The case presented by the applicant.
2. The written representation made by a local resident.
3. The four Licensing Objectives of the Licensing Act 2003.
4. Relevant Government Guidance, particularly in relation to:-
 - Prevention of Public Nuisance, starting at paragraph 2.32, Annex D.
5. Middlesbrough Council's Licensing Policy particularly in relation to:-
 - Prevention of Public Nuisance, Pages 10 to 15 (particularly paragraph 38).

LICENSING ACT 2003: APPLICATION TO VARY CLUB PREMISES CERTIFICATE – NORTH ORMESBY INSTITUTE, ORMESBY ROAD, PARK END, MIDDLESBROUGH - REF. NO. MBRO/PR0062

A report of the Head of Community Protection had been circulated outlining an application to vary the Club Premises Certificate in relation to North Ormesby Institute, Ormesby Road, Park End, Middlesbrough, Ref No. MBRO/PR0062, as follows:-

Summary of Current Licensable Activities

Supply of alcohol for consumption on the premises.
Recorded music, live music, facilities for dancing, indoor sporting events, boxing or wrestling, plays.

Summary of Current Hours for Licensable Activities

Supply of alcohol:	12.00 noon to 11.00pm Monday to Saturday. 12.00 noon to 10.30pm Sunday. Christmas Day 11.00am to 2.00pm and 7.00pm to 10.30pm.
Facilities for dancing:	8.00pm to 11.00pm Monday to Saturday. 8.00pm to 10.30pm Sunday. 1.00pm to 5.00pm Bank Holiday Mondays and Boxing Day.
Recorded music:	12.00 noon to 11.00pm Monday to Saturday. 12.00 noon to 10.30pm Sunday.
Live music:	8.00pm to 11.00pm Monday to Thursday. 1.00pm to 11.00pm Friday and Saturday. 1.00pm to 10.30pm Sunday. 2.00pm to 4.00pm Bank Holiday Mondays and Boxing Day.
Indoor sporting events:	1.00pm to 5.00pm and 7.00pm to 10.30pm Monday to Saturday.
Boxing/wrestling:	1.00pm to 5.00pm Saturday and Sunday.
Plays:	11.00am to 5.00pm Saturdays.

Summary of Proposed Variation to Licensable Activities

No variation to activities.

Summary of Proposed Variation to Hours for Licensable Activities

Supply of alcohol:	11.00am to 12.00 midnight Monday to Saturday. 12.00 noon to 12.00 midnight Sunday.
Facilities for dancing:	11.00am to 12.00 midnight Monday to Sunday.
Recorded music:	11.00am to 12.00 midnight Monday to Sunday.
Live music:	11.00am to 12.00 midnight Monday to Sunday.
Boxing/wrestling:	7.00pm to 12.00 midnight Monday to Friday. 1.00pm to 5.00pm and 7.00pm to 12.00 midnight Saturday and Sunday.
Indoor sporting events:	1.00pm to 5.00pm and 7.00pm to 10.30pm Monday to Saturday.
Plays:	11.00am to 5.00pm Saturday.

Full details of the application, accompanying Operating Schedule and current Club Premises Certificate 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, Secretary of the North Ormesby Institute, was present at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

Details of the Application

The Principal Licensing Officer presented the report in relation to an application to vary the Club Premises Certificate, received on 10 May 2010, in relation to North Ormesby Institute, Ormesby Road, as outlined above. The applicant had advertised the application, as required by the Licensing Act 2003, in the Evening Gazette on 10 May 2010, which was confirmed as being an accurate reflection of the facts by the applicant.

It was highlighted that the premises consisted of a club premises situated on a main road in a residential area, trading with the benefit of a Club Premises Certificate.

A representation was received from Cleveland Police on 28 May 2010 objecting to the application to vary the Club Premises Certificate, however, the representation was subsequently withdrawn following the applicant agreeing to the addition of three additional conditions to the operating schedule. A copy of the additional conditions was attached at Appendix 5 to the submitted report.

Three further representations were received on 24 May 2010, 3 June 2010 and 7 June 2010 respectively from Councillor Morby (Park End Ward Councillor) representing local residents (including a petition), Park End Community Council and the Council's Principal Environmental Health Officer. The objections were based on the grounds of the prevention of public nuisance and the prevention of crime and disorder. Copies of the representations were attached at Appendices 2) to 4).

The Principal Licensing Officer explained that additional information had come to light prior to the Hearing in relation to noise nuisance. As a consequence, and following negotiations, the applicant had agreed to amend the requested operating hours to 11.00am to 11.00pm daily for all licensable activities except indoor sporting events, boxing/wrestling or plays as no variation in hours had been sought in relation to these activities. The applicant requested the operating hours of 11.00am to midnight on Christmas Eve and New Years Eve with an additional 30 minutes 'drinking up' time. This amendment had been discussed prior to the Hearing with all interested parties and the Local Ward Councillor and local residents and all parties were agreeable to the proposed amendment other than in relation to Sundays where residents and Councillor Morby considered that the terminal hour should remain as 10.30pm. The applicant had agreed to amend the terminal hour to 11.00pm daily and stated that the only reason they had requested to amend the terminal hour to midnight was to provide an opportunity to close later on occasional evenings if they wished to do so.

In response to a query, the Principal Licensing Officer confirmed that the club did not have a history of applying for Temporary Event Notices.

The objectors were happy for the club to open at 11.00 am and the only sticking point now was the terminal hour on Sundays.

Applicant in Attendance

The applicant, Mr Jasper, Club Secretary, was in attendance at the meeting and present the case in support of the variation to the club premises certificate.

The applicant explained that the application to open from 11.00am did not mean that the club would open at 11.00am every day but this would allow the club to open on specific days if required, for example following a wedding or funeral.

Reference was made to the submitted petition from local residents opposing the application to vary. The applicant advised that several of the names on the petition were members of the club and were subsequently asked why they had signed the petition. The members who had signed the petition had stated that they had been informed that the Club was planning to open until 4.00am, however, this was not the case.

The applicant stated that the club committee had not been aware of any complaints in relation to the club and advised that noise-limiting equipment was installed at the premises. He added that since the club had applied to vary its club premises certificate, several complaints had been made to the Council's Environmental Health (Noise) Team.

The applicant advised that he had met with Mr McGregor, Principal Environmental Health Officer, on 10 June 2010 who had notified him of several complaints made in relation to the club on nine separate dates between 15 May and 6 June 2010. The applicant referred to the Principal Environmental Health Officer's representation (Appendix 4 to the report) that stated he had been called out to the premises on two occasions in the last 10 days and was unsure which was the correct number of complaints made. He added that, to his knowledge, the local PCSOs had no record of any noise complaints in relation to the club.

The applicant made reference to the representation and petition submitted by residents of Radnor Green (Appendix 2) that referred to anti social behaviour, including littering from take-aways, and stated that these problems could not be solely attributed to patrons of the club. The applicant explained that in recent years the club had erected a fence to put a stop to problems it was experiencing with stolen cars being driven around the car park and with people using it as a thoroughfare. The applicant considered that since this fence was erected, people who previously used the car park as a thoroughfare might now be using Radnor Green. The applicant also named several other licensed premises in the vicinity of the club and considered it unfortunate that the club's patrons were being blamed for all of the problems being experienced by residents.

The applicant refuted the point in relation to doors being left open at the club in warm weather allowing noise to escape and stated that if this had been the case that it must have been when a private function was taking place in the function room. He added that when the room was hired for private functions, the private party must sign a disclaimer stating that they would comply with the conditions set out, one being not to open the doors, otherwise they would risk losing their deposit.

In relation to the concerns expressed regarding the smoking shelter, the applicant stated that no complaints had been passed to him and, had this been the case, he would have been more than happy to deal with the issues.

With regard to the representation made by Park End community Council (Appendix 3) in relation to patrons parking in Balmoral Road, the applicant stated that the club could not be held responsible for where its patrons parked and that it would be impossible to ask every patron where they had parked.

The applicant confirmed that the club displayed notices at exit points asking patrons to leave in a quiet and orderly manner.

Relevant Representations

Environmental Health (Noise) Team

Mr P McGregor, Principal Environmental Health Officer (Noise Team) was in attendance at the meeting to make representations in relation to the application to vary.

The Principal Environmental Health Officer advised the Committee that he had received a number of complaints regarding noise from North Ormesby Institute and confirmed that they were received following the application to vary being made. The Officer clarified that when he met the applicant on 10 June 2010 he had provided him with the dates that he had referred to earlier, however, they had not been dates of individual complaints but dates taken from residents' diary sheets when they had been disturbed by noise from the premises in their own homes.

It was explained that the Noise Team had 'out of hours' and weekend patrols and that officers had visited the premises and identified noise nuisance. The Principal Environmental Health Officer had met with the applicant at the premises on 10 June 2010 and had examined the controls in place. The noise-limiting device was found not to be working correctly and the applicant subsequently commissioned an engineer to reset the device. The Officer explained that on the Saturday prior to his meeting with the applicant, the Noise Patrol Team had observed noise nuisance at the premises and as a result intended to serve a Statutory Noise Abatement Notice. This matter was currently being dealt with.

The Principal Environmental Health Officer submitted that there should be no increase in hours in relation to licensable music activities at the premises and the applicant had already agreed to this prior to the meeting with the exception of Sundays.

The Principal Environmental Health Officer confirmed that he was meeting with the applicant later in the week in relation to the ongoing noise issues and confirmed that, as there were continuing noise issues with the premises, his position was that there should be no increase in

the hours of music entertainment and the only remaining sticking point was the requested additional half hour closing time on Sundays.

Questions to those Making Representations

Members of the Committee were afforded the opportunity to ask questions of the Principal Environmental Health Officer and the following issues were raised:-

- In response to a query it was confirmed that if a Notice was served on the premises, a prosecution would only come about as the result of a breach of that Notice. It was highlighted that the club had the right to appeal the Notice.
- A Member asked whether, in the Officer's opinion, the noise limiting equipment at the premises was the most effective. The Officer responded that noise-limiting equipment had not changed dramatically over the years and the equipment at the premises was quite sophisticated and worked on the same principles as the equipment currently being installed.
- In response to a query regarding the times that the complaints were made in relation to noise, the Officer advised that the times varied from 7.00pm up to 11.15pm.
- In response to a question, it was explained how the noise limiting equipment worked and highlighted that once the engineer had set the required limit, this could not be tampered with.
- When asked if he was satisfied with the equipment installed at the premises, the Officer stated that the sound limiting equipment required further investigation. He highlighted that residents had reported that some live bands were louder than others and that this could depend upon the type of music being played. The Officer also stated that he believed that some investigation of the actual building structure was required and that an acoustic survey was required, however, these issues were for discussion/action outside of the Hearing arena.

Questions to the Applicant

Members of the Committee were afforded the opportunity to ask questions of the applicant and the following issues were raised:-

- In response to a query, the applicant stated that the premises were built in 1967 and that an extension was added approximately 16 years ago and explained that there was a difference in the roofing materials used for the original building and the extension and it was possible that the difference in materials might be causing some of the noise problems.
- The applicant was asked to clarify what was meant by 'anniversaries' in relation to the special occasions, including New Years Eve and Christmas Eve. The applicant responded that the club had celebrated its 40th anniversary three years ago and that the additional hours would only be requested for special anniversaries such as 50th anniversary, and that a special application would be made. This would not be an annual event.
- Reference was made to the hiring out of the function room for private functions and it was queried whether the club's hiring agreement stressed that doors should be kept closed at all times to avoid disturbing local residents. The applicant explained the current procedures in place in relation to hiring out the function room which involved the hiring party to sign a hiring agreement. The agreement stated that doors should remain closed and only to be used in an emergency and that the hiring party was responsible for its guests. The applicant added that the club committee honoured private parties and did not keep disturbing the party to check that the guests were adhering to all of the club rules. However, if a committee member became aware of any problems they would warn the party, for example, smoking or taking drinks outside of the function room. The DJ at the function was also asked to make an announcement to the party to remind them of the club rules.

- The Principal Licensing Officer added that there were solutions to the problem of doors being opened such as cut off devices which would stop the music if the fire doors were opened and that this could be explored.
- A Member acknowledged the systems that the club had in place but queried whether this was supervised. The applicant explained that he worked from Sunday to Friday and had Saturday nights off, the committee members were only there at night time so, for example, if a wedding was taking place during the day on a Saturday, there would be no-one other than the bar staff at the club. The Principal Licensing Officer highlighted that there was no requirement for a club to have a DPS and that the club's committee was responsible for running the premises.
- A Member pointed out that residents were now only objecting to the request to close at 11.00pm on Sundays and asked the applicant whether it would be in the best interests of the Club to address its noise problems before making an application to increase its hours. The applicant responded that the issues raised by residents had only come to light following the application being made and that nothing had ever been discussed between the parties.
- The Member asked residents whether they would be happy to agree to the Club opening till 11.00pm on Sundays if the noise problems were eradicated. A resident responded that in addition to the noise emanating from the Club, they were also disturbed by people walking past their property on their way home from the Club and that this was a particular problem on Sunday nights when their children had to be up early on Monday mornings for school. In addition it was highlighted that noise from the club was heard after 11.00pm and that the licensable activities (music in particular) were supposed to cease at 11.00pm but that entertainment often went on beyond this time. The residents stated that entertainment at the club needed to stop at 11.00pm and be within reasonable levels.
- Councillor Morby, making representations on behalf of residents, noted that the applicant had mentioned that the local PCSOs were not aware of problems at the club. Councillor Morby highlighted that they did not work at the hours when the club was closing. Councillor Morby also made reference to the applicant's comments that everyone used Radnor Green to get home but pointed out that there were several other roads that could be used. The applicant responded that the representation read that everyone returning home from the club was using Radnor Green but he considered that not everyone used it and pointed out that it was not only the club's members using the street after visiting the takeaways. The applicant felt that it was unfair that the club's patrons were being solely blamed for noise disturbance and litter.
- A resident stated that they had not just started complaining about the club since it made the application to vary, however, this had been the point when residents had got together to discuss the problems.
- The Principal Environmental Health Officer stated that noise from entertainment was an issue at the present moment and the applicant wished to extend that to 11.00pm on Sundays but he would recommend that it stopped at 10.30pm.

Councillor Morby, making representations

Councillor Morby presented the objections on behalf of local residents and was reminded by the Council's legal representative that all parties appeared to agree that there was a noise problem from entertainment at the club. The Council's legal representative suggested that the representations concentrate on the problems with the 11.00pm closing as there was little to gain from reiterating something that had already been agreed upon.

Councillor Morby stated that the problems with patrons leaving the premises was public nuisance and highlighted that some of the club's patrons had signed the petition. It was stated that some of the people committing anti social behaviour had been identified as patrons of the club. Problems included people using the local takeaways and leaving litter and males urinating in gardens, people knocking on doors and running away.

Councillor Morby stated that the local residents did not want to stop people from enjoying themselves but simply wanted people to return home from the club in a reasonable manner. The residents felt that if the closing time on Sundays were extended to 11.00pm their children's sleeping time would be shortened. It was also considered that the club's committee should be checking that patrons were drinking up and leaving in an orderly manner. There was no reason for doors and windows at the club to be left open as the premises was air-conditioned.

Councillor Morby stated that residents should be respected in their own homes and not be subject to anti social behaviour. The sound limiting equipment in the club should adhere to the limits set. It was also highlighted that some residents of Radnor Green who were also patrons of the club had recently been subject to abusive comments by some of the club's committee members.

In response to the comments made by Councillor Morby, the applicant advised that there were three CCTV cameras situated outside of the club but their scope did not reach as far as Radnor Green. The applicant requested that residents write to him if they knew the names of any of the club's patrons who were causing disturbance/anti social behaviour in order that the committee could deal with those people appropriately. The applicant added that the club displayed signs asking patrons to leave in an orderly manner and stated that the club wanted to do everything possible to build up a good relationship with residents and that he and the club committee would be willing to meet with residents on a regular basis to discuss any issues.

Councillor Morby summed up that all residents wanted was for the club to adhere to the rules.

Questions to those making representations

Members of the Committee were afforded the opportunity to ask questions and the following issues were raised:-

- When asked whether they considered public nuisance had increased as a result of the club closing off the alternative exit from the car park, residents responded that it had made a massive difference over the last five years.
- In relation to the issue of Sunday closing time, a Member made reference to the residents reasons for objecting to the 11.00pm closing. One reason was that their children had a shortened night's sleep and had to be up for school the next day and it was queried how a Sunday night differed to a Thursday night. A resident explained that there was less footfall past their property on a Thursday night and that this was increased on Saturday and Sunday nights.
- In response to a query, the applicant confirmed that the club had a live band on a Sunday night and provided further details of the full week's entertainment schedule.
- A Member of the Committee asked residents whether they considered the noise and public nuisance to be solely attributable to the club. The residents considered this to be the case.
- A resident stated that since the fence had been closed off at the club, problems with public nuisance had increased. Wednesday, Saturday and Sunday nights were stated as being the worst in terms of rowdiness and littering from takeaways. Another resident highlighted that there was currently no litter bin in the street and suggested that this might be something that could be explored to improve the situation.

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

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

ORDERED that the application to vary the Club Premises Certificate in respect of North Ormesby Institute, Ormesby Road, Park End, Middlesbrough, Ref No. MBRO/PR0062 be granted in part, as follows:-

1. The hours for the sale of alcohol and provision of licensable activities shall be 11.00am till 11.00pm Monday to Saturday.
2. The hours for the sale of alcohol and provision of licensable activities shall be 11.00am till 10.30pm on Sundays.
3. The hours for the sale of alcohol and provision of licensable activities on Christmas Eve and New Years Eve shall be 11.00am till 12.00 midnight.
4. That the following conditions, as agreed between the Police and the applicant, be added to the operating schedule:-
 - i) A digital closed circuit television system (CCTV) must be installed and maintained. The system must incorporate sufficient built-in hard drive capacity to suit the number of cameras installed whilst complying with Data Protection legislation. A minimum of 14 days recording is required. The system must have a minimum of a simplex multiplexing facility and be recording for 24 hours a day. The system must incorporate a means of transferring images from the hard drive to a format that can be played back on any desktop computer. The digital recorder must have the facility to be password protected to prevent unauthorised access, tampering or deletion of images. There must 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 governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, eg 24 hours routine or less if urgently required for investigation of serious crime.
 - ii) An incident book will be kept on the premises and maintained to record all incidents of crime and disorder. It must be made available immediately to Police and any other Responsible Authority upon request.
 - iii) That all boxing/wrestling will cease no later than 10.00pm every day of the week.
5. That the Club Secretary and/or other appropriate Club Committee member shall attend regular meetings with local residents to discuss any issues and to attend local Community Council meetings from time to time.

In reaching the above decision Members had considered the following:-

1. The case presented by the applicant.
2. The representations made by the Principal Environmental Health Officer, both in writing and verbally at the meeting.
3. The representations made by Councillor Morby, Park End Ward Councillor, on behalf of local residents, both in writing (including petition) and verbally at the meeting.
4. The representations made by local residents at the meeting.
5. The four Licensing Objectives of the Licensing Act 2003.
6. Relevant Government Guidance, particularly in relation to:-
 - Prevention of Public Nuisance, starting at paragraph 2.32, Annex D.
 - Prevention of Crime and Disorder, starting at paragraph 2.1, Annex D.

7. Middlesbrough Council's Licensing Policy particularly in relation to:-
- Prevention of Public Nuisance, Pages 10 to 15.
 - Crime and Disorder, Pages 17 and 18.

Members had made their decision based on the following reason:-

1. The applicant had acknowledged that levels of noise at a later hour disturbed local residents. Residents tolerated the later hours of noise on Saturdays but had stated that more problems were caused for them on Sunday nights, particularly for children whose sleeping time was shortened due to noise disturbance/public nuisance when they had to get up early for school on Monday mornings.

The applicant was reminded of the right to appeal to the Magistrates Court within 21 days of the date of the decision.