

LICENSING SUB COMMITTEE C

A meeting of the Licensing Sub Committee C was held on 1 July 2005.

PRESENT: Councillor B Taylor (Chair), Councillor Mawston and Councillor Biswas (substitute).

OFFICIALS: M Cooper, J Dixon, A Gray, J Hedgeley, T Hodgkinson, J Hodgson, P Robertson.

ALSO IN ATTENDANCE:

Cleveland Police Representatives: M Nevison (Legal), PC J Graham and WPC G Simpson (Licensing Section).

Objectors: Councillor P Thompson, Ward Councillor, representing objectors - three local residents and Coulby Newham Community Council.

Applicant: Wolverhampton and Dudley Breweries,
Premises: Lingfield Farm, Parkway Court, Coulby Newham, Middlesbrough
Premises Manager: Ms K Dilcock
Regional Manager: Philip Caywood, Pathfinder Inns
Applicant's Solicitor : John Gaunt, John Gaunt & Partners

AN APOLOGY FOR ABSENCE was submitted on behalf of Councillor Lancaster.

DECLARATION OF INTEREST

No declarations of interest were made by Members at this point of the meeting.

APPOINTMENT OF SUBSTITUTE

Councillor Biswas was in attendance to act as a substitute on behalf of Councillor Lancaster.

LICENSING ACT 2003 - APPLICATION TO VARY PREMISES LICENCE – LINGFIELD FARM, COULBY NEWHAM, MIDDLESBROUGH – REF NO. MBRO/PR0002/17931

The Head of Community Protection submitted a report outlining an Application to Vary the Premises Licence of the Lingfield Farm, Parkway Court, Coulby Newham, Middlesbrough, Ref. No: MBRO/PR0002/17 as follows:

Current Licensable Activities:

Sale by retail alcohol for consumption on and off the premises
Recorded music (without benefit of Public Entertainment Licence)

Current Hours of Licensable Activities:

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

Summary of proposed variation of Licensable Activities:

To include all forms of regulated entertainment with the exception of dancing
To include the provision of late night refreshment

Summary of proposed variation to Hours for Licensable Activities to :

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

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

Objections from the Police, local residents and the Environmental Protection Noise Team were also appended together with an amendment to the Operating Schedule at Appendix 3.

The applicant confirmed receipt of the Regulation 6 Notice giving notice of the Hearing. The statutory ten days notice had not been complied with due to an oversight and the applicant's solicitor confirmed that this had not been an issue.

Relevant Representations

Police representatives outlined their objection to the Variation of the Premises Licence on the following grounds:

- Licensing Objective: Prevention of Crime and Disorder: 1.00 am closing would lead to Increased anti-social behaviour. On any occasion where the premises were to be open until 1.00 am (Fridays and Saturdays) then between the hours of 12.00 midnight and 1.00 am two Security Industry Authority (SIA) registered Door Supervisors were to be on duty..
- Licensing Objective: Prevention of Crime and Disorder : Section Q of the Operating Schedule was generic and did not address the Council's Licensing Policy (Page 6 Paragraph 26).

Councillor P Thompson, Ward Councillor for Coulby Newham, spoke on behalf of three residents and Coulby Newham Community Council who were objecting to the application to vary the hours on the following grounds;

- Licensing Objectives: Prevention of Public Nuisance and Prevention of Crime and Disorder.
- 1.00 am closing would lead to Increased anti-social behaviour and noise disturbance to local residents late at night when patrons of the premises were returning to their homes on the estate.

APPLICANT IN ATTENDANCE

The applicant, the Regional Manager and the legal representative were in attendance and presented their case in support of the Application to Vary. All outstanding issues raised in the submitted report were addressed.

- The Police comment that the application was generic was incorrect. Wolverhampton and Dudley Breweries had 500 establishments. Each public house was audited, any individual issues identified and the standard application then amended to reflect these variances.
- If the application was amended to close at midnight every night of the week the Police condition for two SIA registered door supervisors to be on duty from midnight until closing time would be withdrawn.
- The Licensing Act 2003 envisaged a greater flexibility of opening and these were the type of premises that should have that flexibility.
- The premises were fairly isolated and had been well run for the last five years without any evidence of disorder. Problems late at night on the estate were more likely to be associated with people returning from the Town Centre.
- The following references to the Guidance were made:

Page 129 paragraph 13.26
Page 80 paragraph 7.19
Page 65 paragraph 5.99

The applicant's legal representative and the applicant responded to queries raised by Members, the Police and the Ward Councillor .

The applicant, The Police and the Ward Councillor provided summaries of their case.

DECISION MADE IN CLOSED SESSION

ORDERED as follows:

1. That the Conversion be granted
2. That the Variation be granted in part subject to the amendment of the opening hours as follows:

10.00 am – 12.00 midnight Monday – Thursday
10.00 am – 12.00 midnight Friday and Saturday
11.00 am - 12.00 midnight on Sunday

Reasons:

1. The application was considered on its own merits.
2. Consideration given to the points raised during the Hearing under the Government Guidance
3. Consideration was given to the objections raised by the Police and residents
4. Consideration given to Middlesbrough Council's Licensing Policy as follows:

Paragraph 26 (page 6)
Paragraph 30 (page 7)
Paragraph 38 (page 10) - Prevention of Nuisance
Paragraph 42 (page 10)
Paragraph 80-82 (page 17) – Crime and Disorder

5. Consideration given to Government Guidance as follows:

Page 79 paragraph 7.17
Page 80 paragraph 7.19
Page 129 paragraph 13.26