
LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 25 August 2005.

PRESENT: Councillor B Taylor (Chair); Councillors Elder and Lancaster.

OFFICIALS: C Arbuthnot, J Dixon, J Hodgson and S Vickers.

ALSO IN ATTENDANCE: On Behalf of the Applicant, Erimus Quoit & Rifle Social Club & Institute:-
C A Dooley – Secretary, Erimus Club
President, Erimus Club

An APOLOGY FOR ABSENCE was submitted on behalf of Councillor Mawston.

APPOINTMENT OF SUBSTITUTE: Councillor Elder was in attendance to act as a substitute in place of Councillor Mawston.

LICENSING ACT 2003: APPLICATION TO VARY PREMISES LICENCE - THE BUCCANEER, LONGLANDS ROAD/KINGS ROAD, MIDDLESBROUGH REF. NO. MBRO/PR0136/018977.

A report of the Head of Community Protection had been circulated outlining an application to Vary the Premises Licence for The Buccaneer, Longlands Road/Kings Road, Middlesbrough, Ref No. MBRO/PR0136/018977.

The Senior Licensing Officer advised that, prior to the meeting, all relevant representations had been withdrawn as the applicant had reached an agreement with the Police and Environmental Health to amend the submitted Operating Schedule to reflect the conditions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

NOTED

LICENSING ACT 2003: APPLICATION TO VARY CLUB PREMISES CERTIFICATE – ERIMUS QUOIT RIFLE SOCIAL CLUB AND INSTITUTE, CUMBERLAND ROAD, MIDDLESBROUGH – REF. NO. MBRO/PR0106.

The Head of Community Protection submitted a report outlining an application to Vary the Club Premises Certificate for the Erimus Quoit Rifle Social Club and Institute, Cumberland Road, Middlesbrough Ref. No. MBRO/PR0106 as follows:-

Current Licensable Activities

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

Current Hours of Licensable Activities

11.00am – 11.00pm	Monday to Saturday
12.00 noon – 10.30pm	Sunday

Summary of Proposed Variation to Licensable Activities

To include the following forms of regulated entertainment:-
Live Music, Recorded Music, Dancing, Indoor Sporting Events.

Summary of Proposed Variation to Hours for Licensable Activities

11.00am – 11.30pm	Daily (Supply of Alcohol)
11.00am – 12.00 midnight	Daily (Regulated Entertainment)

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 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. Members were advised that following negotiations prior to the meeting, the applicant had agreed to amend the submitted Operating Schedule to reflect the condition requested by the Police in regarding CCTV in relation to prevention of crime and disorder, subsequently allowing them to withdraw their representation.

A written representation had been received from four local residents and it had been anticipated that they would be in attendance at the meeting to speak in support of their objections. However, there were no residents in attendance and confirmation was given that consideration would be given to their written representation in accordance with Regulation 20 of the Licensing Act 2003 (Hearings) Regulations.

Applicant in Attendance

The Applicant was in attendance at the meeting and presented the case in support of the application to vary the Club Premises Certificate.

The applicant stated that the Club had been in existence for many years and was conscious of being situated in a residential area. The applicant advised that only one complaint, dating back to 2002, had been received in relation to noise disturbance from the premises and the Club had acted immediately in liaison with the Council's Environmental Health Team to rectify the problem.

The applicant confirmed that the Club did not intend to remain open beyond its current closing time and only intended to use the later closing time applied for on approximately four special occasion nights throughout the year. The applicant expressed disappointment that the local residents who had submitted a written representation had not approached the Club for an explanation of its intention with regard to the proposed closing time and considered that the application had been misinterpreted.

In response to a query, the applicant offered reassurance to Members that the operation and closing time of the Club would remain unchanged, except for the special occasion nights previously alluded to.

Relevant Representations

A representation was received from Cleveland Police on 5 July 2005 objecting to the application on the grounds of Crime and Disorder and was attached at Appendix 2 to the submitted report. Prior to the meeting, agreement had been reached with the applicant to amend the submitted Operating Schedule to include a condition in relation to CCTV allowing the Police to withdraw their representation.

Representations were received from four local residents on 28 July 2005, objecting to the application on the grounds of noise nuisance and was attached at Appendix 3 to the submitted report. It was confirmed that the residents were not in attendance at the meeting and the Committee determined to consider the written representation under Section 20 of the Licensing Act 2003 (Hearings) Regulations 2005.

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.

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, dancing and indoor sporting events and the Variation in Hours as follows:-

11.00am - 11.30pm	Daily (supply of alcohol)
11.00am – 12.00 midnight	Daily (regulated entertainment); subject to:-

i) The additional condition agreed with the Police prior to the meeting, regarding CCTV in relation to the prevention of crime and disorder.

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 written representation submitted by four local residents.