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## LICENSING SUB COMMITTEE C

A meeting of the Licensing Sub Committee C was held on 26 September 2005.

**PRESENT:** Councillor B Taylor (Chair); Councillors T Mawston and A E Ward.

**OFFICIALS:** M Cooper, A Gray, T Hodgkinson and S Weirs.

**ALSO IN ATTENDANCE:** (Present for Agenda Item No 3 only)

L Allen – Applicant – Joint Licensee

F Boddy – Joint Licensee

PC J Graham – Cleveland Police Licensing

J Smith – Legal Representative – Cleveland Police.

### **LICENSING ACT 2003 – APPLICATION TO VARY PREMISES LICENCE – SQUARE 1, GURNEY STREET, MIDDLESBROUGH, REF NO. MBRO/PRO309**

The Head of Community Protection submitted a report outlining an Application to Vary the Premises Licence for Square 1, Gurney Street, Middlesbrough.

#### **Summary of current Licensable Activities:**

Sale by retail of alcohol for consumption on and off the premises

Recorded music

Provision of late night refreshment.

#### **Summary of current hours of Licensable Activities:**

11.00 am - 11.00 pm Monday to Saturday

12 noon – 10.30 pm Sundays

#### **Summary of proposed variation to Hours for Licensable Activities:**

9am – 2 am Daily

Premises to remain open to the public for an additional 30 minutes following the end of licensable activities.

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

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

The Applicant and the joint Licensee 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. There were no absent parties.

The Committee was advised that prior to the meeting an agreement had been reached between the Applicant and Cleveland Police. Accordingly, the Operating Schedule in respect of the Application had been amended to include seven additional conditions as set out in the Police written Representation and the Police withdrew their objection to the Application.

#### **Applicant in Attendance**

The Applicant presented the case in support of the Application and confirmed agreement with the additional conditions requested by the Police.

It was confirmed that the Applicant and his business partner were very experienced Licensees having worked for Mitchells and Butler for 26 years and 15 years respectively. Since the purchase of Square 1 plasma screens showing Sky Sports had been installed in order to appeal to an older clientele. An area of ten square metres in front of the premises had been given a Street Licence as a Street Café with tables, chairs and a heated umbrella.

It was also confirmed that they had built up the trade since purchase and were catering for foreign visitors staying at the nearby hotel. It was anticipated that if the premises was forced to close prior to 2 am they would lose this trade as customers would move on to a Night Club.

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The applicant advised that in the past there had been one visit from the Environmental Health Office as a result of a complaint relating to noise nuisance but they were not aware who had complained. Since that time a noise monitoring system had been installed and the applicants themselves regularly monitored noise levels at night at the rear of the premises. No more complaints had been received and local residents were in fact patrons at the premises.

In response to a Member's query, a maximum number of 150-180 patrons was confirmed and doormen would be on duty on Thursdays to Sundays, the busiest nights, as required by a Police condition already agreed. On Mondays and Tuesdays there was no intention to open late.

#### **Representation from Environmental Health Officer**

The Environment Health Officer was in attendance and outlined the objection to the application on the grounds on noise nuisance. It was stated that the maximum extension to the hours should be limited to 23.30 pm for the sale of alcohol with all entertainment to be terminated at midnight. Three conditions were also proposed relating to noise nuisance to noise sensitive dwellings in the vicinity, regular assessment of noise emanating from the premises and the use of waste receptacles between 10 and 18.00 daily.

In response to a Member's query it was confirmed that there had been a number of complaints over the last year but in fact no statutory notice had been served on the premises. The main concern was the provision of regulated entertainment. Reference was also made to the external drinking area and the Applicant confirmed that this area would be closed by 11 PM. The Police had attached a condition that no alcohol was to be consumed in this area after 11.30 PM.

#### **SUMMARY**

The Applicant was given the opportunity to sum up the case prior to the decision being made.

It was confirmed that there were no further questions and those present, other than the representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the Application.

**ORDERED** as follows:

That the Application to Vary the Premises Licence be granted in full as follows:

9 am – 2 am Daily

The premises to remain open to the public for an additional 30 minutes following the end of Licensable activities.

That the Operating Schedule be amended to include the seven Conditions as set out by the Police in their written Representation and agreed prior to the meeting.

The reasons for the decision of the Licensing Sub Committee C were as follows:

- i) The Application was considered on its own merits, taking into account the four Licensing Objectives of the Licensing Act 2003.
- ii) Consideration was given to the following paragraphs of the Government Guidance to the Licensing Act 2003 issued by the Secretary of State and in particular paragraph 7.38 Annex G (Public Nuisance) and paragraph 7.20 Annex D (Crime and Disorder).
- iii) Consideration was also given to the Licensing Policy of Middlesbrough Council in particular pages 10-15 paragraph 38 (Prevention of Nuisance)
- IV) The Committee had taken into account the representations made by the Environmental Health Officer.

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**LICENSING ACT 2003 – APPLICATION TO VARY A PREMISES LICENCE – YELLOW ROSE, ROMAN ROAD, MIDDLESBROUGH – REF NO. MBRO/PRO282**

Representations had been received from the following Responsible Authorities:-

- Cleveland Police who objected to the Application to increase the hours on the grounds of the Prevention of Crime and Disorder.
- Environmental Health Officer based on the grounds of Public Safety.

Prior to commencement of the meeting, an agreement had been reached between the Police and the Environmental Health Officer and the Applicant. Accordingly, the Operating Schedule in respect of the Application was amended to include additional conditions.

Subsequently, the Responsible Authorities withdrew their objections to the Application and as there were no other objections the Licence was granted in accordance with the Operating Schedule and amended conditions and the Hearing was cancelled.

**NOTED**

**LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE – BORO PIZZA HOUSE, 180 LINTHORPE ROAD, MIDDLESBROUGH**

A Representation had been received from the following Responsible Authority:-

- Cleveland Police who objected to the Application to vary the hours on the grounds of the Prevention of Crime and Disorder and the prevention of Public Nuisance.

Prior to commencement of the meeting, an agreement had been reached between the Police and the Applicant. Accordingly, the Operating Schedule in respect of the Application was amended to include an additional condition relating to the fitting of colour, digital CCTV..

Subsequently, the Responsible Authority withdrew their objection to the Application and as there were no other objections the Licence was granted in accordance with the Operating Schedule and amended condition and the Hearing was cancelled.

**NOTED**