

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 19 March 2007.

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

OFFICIALS: J Dixon, A Gray and J Hodgson.

ALSO IN ATTENDANCE: D Causier – Designated Premises Supervisor (Park Hotel)
D Stokes – Applicant - Director of Park Trading Ltd
(Leaseholder: Park Hotel).

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

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

APPOINTMENT OF SUBSTITUTE

Councillor Porley was appointed to act as substitute in place of Councillor Mawston for the meeting.

LICENSING ACT 2003: APPLICATION TO VARY PREMISES LICENCE – PARK HOTEL, 406 LINTHORPE ROAD, MIDDLESBROUGH - REF. NO. MBRO/PR0159/19291

A report of the Head of Community Protection had been circulated outlining an application to Vary the Premises Licence for the Park Hotel, 406 Linthorpe Road, Middlesbrough, Ref No. MBRO/PR0159/19291, as follows:-

Summary of Current Licensable Activities

Sale by retail of alcohol for consumption on and off the premises.
Recorded music, live music and facilities for dancing, indoor sporting events, activities like music/dancing.

Summary of Current Hours of Licensable Activity

All activities: 11.00am to 12.00 midnight - Monday to Sunday.
Premises to remain open for 30 minutes following the end of licensable activities.

Summary of Proposed Licensable Activities

No variation to activities.

Summary of Proposed Hours of Licensable Activities

All Activities:-
11.00am to 12.00 midnight – Sunday to Thursday.
11.00am to 1.00am – Friday and Saturday.

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

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, Mr Stokes, accompanied by the Designated Premises Supervisor, Mr Causier, was present at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

Details of the Application

The Senior Licensing Officer presented the report which was confirmed as being an accurate reflection of the facts by the applicant.

The report outlined that, on 25 January 2007, an application was made to Vary the Premises Licence, as stated above, and the applicant had advertised the application, as required by the Licensing Act 2003, in the Herald and Post on 31 January 2007.

On 22 February 2007 a representation was received from Councillor Michna (Park Ward Councillor), acting on behalf of local residents, which objected to the application on the grounds of prevention of crime and disorder and the prevention of public nuisance. The representation was attached at Appendix 2 to the submitted report.

Applicant in Attendance

The applicant, Mr Stokes, was in attendance at the meeting accompanied by the Designated Premises Supervisor of the Park Hotel, Mr Causier. Mr Stokes presented the case in support of the application.

The Committee was informed that the Park Hotel had been refurbished some time ago and had run successfully since that time, with no complaints from the Police or local residents regarding the establishment.

It was explained that the application to extend the terminal hour of the premises on Fridays and Saturdays had been made as a result of demand from its customers. During the period December 2006 and February 2007, 25 Temporary Event Notices had been obtained to allow the premises to trade until 1.00am in order to gauge the success of later opening. It was reported that each occasion had been successful, with the premises remaining busy until closing. Meetings with the Police had taken place and no objections were made. Mr Stokes added that he and Mr Causier had also arranged a meeting with local residents, however, none had attended other than Councillor Michna.

It was confirmed that Members of the Committee had no questions for the applicant.

Councillor Michna, Park Ward Councillor, was in attendance at the meeting to object to the application on behalf of local residents, and was afforded the opportunity of asking questions of the applicant. The following issues were raised:-

- Councillor Michna queried whether there would be an impact on local residents should the application be granted. Mr Stokes responded that the premises were professionally managed and that there would be no noise impact from inside the premises, however, once patrons had left the premises he would have no control over their actions.
- It was highlighted that there were several later-opening premises situated nearby in Linthorpe Village and that Linthorpe Road was already a busy main road used by taxis and pub-goers leaving the town centre.

Relevant Representations

Councillor Michna (Ward Councillor) acting on behalf of residents

Councillor Michna, Park Ward Councillor, was in attendance at the meeting to present representations against the application on behalf of local residents.

Councillor Michna presented the case for the representations and advised that he was speaking on behalf of several local residents who wished to object to the application. It was highlighted that four representations had been made verbally directly to Councillor Michna and he had advised those people to put their objections in writing. Councillor Michna had received approximately seven or eight written objections in total.

Councillor Michna stated that the establishment was located directly across the main road from residential streets and that residents were affected by noise disturbance from pub-goers making their way home. He considered there would be a further impact on residents if the application was granted. It was stated that some residents were unable to leave windows open at night-time due to noise disturbance, however, Councillor Michna acknowledged that not all of the disturbance was caused by patrons leaving the Park Hotel as there were several later-opening establishments situated in the immediate vicinity making it difficult to ascertain the source of the problem.

It was stated that whilst there was no evidence of noise disturbance emanating from the premises themselves, the applicant would have no control over the actions of patrons once they had left the premises and he urged the Committee to consider how granting the application would impact on local residents and their quality of life.

Questions to Councillor Michna

Members of the Committee were given the opportunity to ask questions of Councillor Michna and the following issues were raised:-

- Clarification was provided with regard to the objections received by Councillor Michna and the locations of those residents.
- Councillor Michna was asked whether any residents had made complaints to him during his Ward Surgeries with regard to noise disturbance emanating from the Park Hotel itself since its 12.00 midnight licence had been granted or at any time when the premises had obtained a Temporary Event Notice. Councillor Michna confirmed that no complaints had been made to him that were directly linked to the Park Hotel although he had received complaints of a general nature in relation to noise disturbance in the Linthorpe Village area.
- In response to a query as to whether any local residents had considered having noise monitoring equipment installed in their homes, Councillor Michna stated that residents had become weary of the number of late night establishments now in existence and more than likely felt it would be a waste of time.

Summing Up

The Chair invited all parties to sum up.

Applicant

The applicant summed up by stating that the application had been made as the result of demand from patrons. He added that the only complaints he had received were from people who did not want to leave the establishment at midnight. He considered the success of the Temporary Event Notices proved that demand existed for the premises to open later.

Councillor Michna (making representations)

Councillor Michna summed up by urging the Committee to consider the application carefully and warned that granting the application might set a potentially worrying precedent of all establishments in Linthorpe Village wishing to extend their hours later and later. He asked the Committee to take into account those objections from local residents.

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 Premises Licence, at the Park Hotel, 406 Linthorpe Road be granted as follows:-
 - i) That the hours of licensable activities be varied as follows:-
 - 11.00am to 12.00 midnight: Sunday to Thursday.
 - 11.00am to 1.00am: Friday and Saturday.
 - Premises to remain open for 30 minutes following the end of licensable activities.

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

1. The four Licensing Objectives of the Licensing Act 2003.
2. Relevant Government Guidance, particularly in relation to:-
 - Prevention of Crime and Disorder, starting at paragraph 7.20, Annex D.
 - Prevention of Public Nuisance, starting at paragraph 7.38, Annex G.
3. Middlesbrough Council's Licensing Policy particularly in relation to:-
 - Prevention of Crime and Disorder (pages 17 and 18).
 - Prevention of Public Nuisance, (pages 10 to 15, particularly paragraphs 43, 59 and 60 in relation to 'Location and Impact of Activity' and 'Staggered Closing Times').
4. The case presented by the applicant.
5. The representations made by Councillor Michna on behalf of local residents.

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

1. There had been no representations made in respect of the application by the Police.
2. There had been no previous complaints made by the Police or local residents directly in relation to the premises.