

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 13 October 2008.

PRESENT: Councillor Taylor (Chair); Councillors Mawston and G Rogers.

OFFICIALS: J Dixon, A Gray and J Hodgson.

ALSO IN ATTENDANCE: Reverend Black, Vicar for North Ormesby – Applicant.
H Black, Development Officer, Trinity Centre.
J Tarren, Church Warden.
Councillor Lancaster – 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 TRINITY CENTRE, NORTH ORMESBY, MIDDLESBROUGH - REF. NO. MBRO/PRO203

A report of the Head of Community Protection had been circulated outlining an application for a Premises Licence in relation to the Trinity Centre, North Ormesby, Middlesbrough, Ref No. MBRO/PRO203, as follows:-

Summary of Proposed Licensable Activities

Live/Recorded Music, Dancing, Plays, Films, Indoor Sporting Events.
Provision of facilities for Making Music, Dancing and anything similar.

Summary of Proposed Hours for Licensable Activities

8.30am – 11.00pm Monday to Saturday.
2.00pm – 11.00pm Sunday.

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 applicants, the Reverend and Mrs Black, were 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 confirmed that there were no absent parties and presented the report which was confirmed as being an accurate reflection of the facts by the applicants.

The report outlined that, in July 2008, a complaint was made directly to the centre by a local resident in relation to noise disturbance. Mrs Black, the Centre's Development Officer, contacted the Council's Environmental Health Noise Team to seek advice on reducing noise disturbance. As a result of that enquiry, Mrs Black became aware of the need for a Premises Licence and immediately contacted the licensing office. Planned events involving licensable activities had been covered by the use of Temporary Event Notices in the meantime.

Subsequently, on 19 August 2008, an application for a Premises Licence was received, as stated above, and the applicant had advertised the application, as required by the Licensing Act 2003, in the Herald and Post on 28 August 2008.

It was stated that the premises consisted of a modern church hall, attached to the parish church, and was used by a large number of community groups. The centre was also used for conference purposes and occasionally hired out for private parties.

Further information regarding the history of the centre and the range of activities currently taking place was detailed in correspondence from Mrs Black at Appendix 2. The centre agreed with the Council's Environmental Health Noise Team that the following condition be attached to the licence should the application be successful:-

- All windows and external doors at the premises in the area used for entertainment should be kept closed at all times when regulated entertainment was being provided, except in the event of emergency.

On 15 September 2008 a petition, signed by eight residents, was submitted by Councillor Lancaster, Ward Councillor for North Ormesby and Brambles Farm. The petition suggested that a terminal hour of 9.00pm would be more appropriate than the 11.00pm being sought. A copy of the petition was attached at Appendix 3 to the submitted report.

A Member of the Committee referred to page 12 of the application and highlighted that the applicant had not indicated whether entertainment would take place indoors and/or outdoors. The applicant confirmed that it would be indoors only and the Principal Licensing Officer confirmed that the application would be amended to reflect this.

Applicant in Attendance

The applicants, Reverend Black and Mrs Black, Development Officer, and Ms Tarren, Church Warden, were in attendance at the meeting and presented the case in support of the application.

The applicants outlined the history of the centre which had opened in 2003, replacing the old church hall which had been in existence since the 1880s. The centre was seen as the catalyst for the redevelopment of North Ormesby and was a building of national significance.

The centre was initially grant funded but was now self sustained and provided a wide range of activities and was used regularly by more than 20 community groups. Details of the types of activities/uses offered by the centre, operating hours and frequencies were provided and it was highlighted that all events finished by 11.00pm. The centre operated a no alcohol policy which had made it a popular choice for Asian events.

The Committee was advised that private parties were required to sign a 'Condition of Events' agreement prior to the commencement of the event which included the following:-

- All doors and windows to be kept closed at all times.
- Music to be turned down at 10.00pm.
- Patrons requested to leave the building quietly and not to slam car doors.
- Children to be supervised at all times and not be allowed to play outside in the Market Square.

A member of the centre's staff was always present at 10.00pm to ensure that music had been turned down and to supervise the party upon leaving the building. It was pointed out that the centre displayed notices requesting patrons to leave quietly, at exits and inside the centre.

The applicant explained the circumstances around the centre not previously having held a premises licence and it was stated that this had been due to a misunderstanding. As church halls were exempt from paying a licence fee this had been misinterpreted as church halls being exempt from holding a licence. This was further exacerbated by the fact that the centre did not serve alcohol and had not realised that a licence was required. The Centre had received a complaint regarding noise in July which had triggered the chain of events leading to the application for a premises licence.

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

- In response to a query, the applicants confirmed that during the unlicensed period, the Centre operated until a terminal hour of 12.00 midnight on Friday and Saturday and 11.00pm Sunday to Thursday. It was highlighted that the application requested a terminal hour of 11.00pm Monday to Sunday, which was a reduction.
- In response to a question, the applicants confirmed that the Centre had not been contacted by the local Community Council in relation to any concerns and reiterated that the complaint they had received in July was the only complaint made about the Centre since it had opened in 2003.
- The applicants confirmed that the new Centre offered many more activities than the old church hall but the North Ormesby Minstrels had used both facilities and continued to practice weekly at the Centre and produced a show every year.

Relevant Representations

Councillor Lancaster on behalf of Local Residents

Councillor Lancaster, Ward Councillor for North Ormesby and Brambles Farm, was in attendance at the meeting to make representations on behalf of local residents who had produced a petition requesting that the terminal hour for activities at the centre be 9.00pm.

Councillor Lancaster outlined the basis of the complaints made to her in relation to the centre, which included:-

- General noise disturbance from the centre which disturbed residents living in the Market Place.
- Terminal hour of events at the centre.
- Band practising with doors and windows open, drum being played outside the centre, creating noise disturbance.
- Cars/ taxis picking up from the centre (engine noise, doors slamming, etc).
- Children from private parties playing outside in the Market Square.
- An occasion where a resident had been forced to visit the vicarage to make a complaint as no staff had been present at the Centre.

It was highlighted that the residents had supported the building of the Centre and did not object to it being there but simply to the terminal hour of events.

Questions from Members of the Committee

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

- A Committee Member considered that some of the problems had occurred during the summer, in relation to doors and windows being opened during band practise and instruments being played outside, and it was queried whether the advice provided by the Council's Noise Team in relation to keeping doors and windows closed, would help reduce noise disturbance. Councillor Lancaster felt that whilst this measure may assist, if the terminal hour of 11.00pm was granted, there would still be noise disturbance from vehicles leaving the centre up to midnight.
- In response to a query, clarification was provided regarding the proximity of the residents in relation to the centre.
- Councillor Lancaster confirmed that further complaints from the one made direct to the Centre in July, had been made to her since that time and that the complaints had been made after the residents had moved into new housing on the Market Place at Easter time.

-
- In response to a query as to whether Councillor Lancaster had approached the church in relation to the complaints she had received, she advised that she had approached a member of the Centre's staff in the Market Place regarding doors and windows being open during band practice. The member of staff had stated that they needed to be open as it was too warm inside the building.

The applicants were afforded the opportunity to respond to the representations and questions that had arisen.

Mrs Black confirmed that when the complaint was made to the Centre in July, windows were open during band practice. As a result of the complaint, Mrs Black had contacted the Council's Noise Team for advice and requested that the windows and doors be kept closed during performances or practice.

Mrs Black referred to the incident where a resident had visited the vicarage in order to make a complaint. Mrs Black explained the circumstances of the incident which had occurred whilst her husband, Reverend Black, had been away. Three ladies had knocked at the door of the vicarage to make a complaint regarding a vehicle which had sped across the market square whilst their children had been playing outside. The driver of the vehicle had gone inside the centre. Mrs Black had been bathing her children but made arrangements with her sister to look after the children whilst she went to the centre to try and alleviate the situation. Mrs Black spoke to the driver of the vehicle, who was attending an Asian party at the centre, and stated he had apologised to the ladies in question in relation to his driving, however, the ladies disputed this and the situation became heated. As a result, Mrs Black had telephoned the Police as she felt concerned that racial tension was brewing.

In relation to drums being played outside the centre, Reverend Black confirmed that he had played the drum outside church as an act of worship in the 'back to church' celebrations.

The Principal Licensing Officer provided information in relation to similar types of centres where complaints had been received in relation to noise and examples of conditions which had been placed on those licences.

Summing Up

The Applicants

The applicants summed up that the Trinity Centre was a key community building in North Ormesby and had been the catalyst for regeneration in the area. The building was used for a variety of community activities, some of which would be jeopardised if the licence was not granted. The centre was well managed and had only received one complaint since it opened in 2003 and advice had been sought from the Council's noise Team in relation to this.

Councillor Lancaster

Councillor Lancaster confirmed that she had nothing further to add.

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 that the application for a Premises Licence at The Trinity Centre, North Ormesby, Ref No. MBRO/PRO203, for the provision of licensable activities (as detailed in the application) between the hours of 8.30am and 11.00pm Monday to Saturday and 2.00pm to 11.00pm Sunday be granted, subject to the following conditions:-

- i) All windows and external doors at the premises in the area used for entertainment should be kept closed at all times when regulated entertainment was being provided, except in the event of emergency.
- ii) Occasional monitoring of noise from outside the nearest residential property and for a record of such monitoring to be kept.

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

1. The case presented by the applicant.
2. The representations made at the meeting by Councillor Lancaster, North Ormesby and Brambles Farm Ward Councillor, on behalf of local residents.
3. The petition submitted by local residents.
4. The four Licensing Objectives of the Licensing Act 2003.
5. Relevant Government Guidance, particularly in relation to:-
 - Prevention of Public Nuisance, starting at paragraph 2.32, Annex D.
6. Middlesbrough Council's Licensing Policy particularly in relation to:-
 - Prevention of Nuisance, Pages 10 to 15 (particularly paragraphs 38 and 42).

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

1. Only one written complaint had been made to the Centre since 2003.
2. The applicants had actively sought advice in relation to minimising potential noise disturbance from the premises.
3. The Centre required private parties to sign a 'Condition of Events' schedule prior to commencement of events and displayed notices requesting patrons to leave quietly.