

LICENSING SUB COMMITTEE C

A meeting of Licensing Sub Committee C was held on 1 September 2011.

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

OFFICERS: B Carr, J Hodgson and S Vickers.

ALSO IN ATTENDANCE: Mr Williams - The Shipmate
N Honeyman - Director Ayton Properties
L Lewis - Objector - Chair, Middlehaven Community Council
L Mole - Objector - Chair, Gresham Community Council

**** DECLARATIONS OF MEMBERS' INTERESTS**

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

LICENSING ACT 2003: APPLICATION TO VARY PREMISES LICENCE – THE SHIPMATE, 2 UNION STREET, MIDDLESBROUGH - REF. NO. MBRO/PRO288

A report of the Assistant Director Community Protection had been circulated outlining an application to vary the Premises Licence in relation to The Shipmate, 2 Union Street, Middlesbrough, Ref No. MBRO/PRO288, as follows:-

Summary of current Licensable Activities and Licensing Hours

Sale of alcohol, Live and Recorded Music, Dancing and Indoor Sporting Events

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

A copy of the current premises licence was attached at Appendix 1 to the report.

Summary of Proposed variation

To extend the licensing hours as follows:-

Monday – Sunday	10.00am – 12 midnight
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Full details of the application and accompanying Operating Schedule were attached at Appendix 2 to the submitted report, along with additional conditions agreed by the applicant with both Cleveland Police at Appendix 3 and the Council's Environmental Health Officer at Appendix 4.

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.

Details of the Application

The Senior Licensing Officer presented the report in relation to an application, received on 7 July 2011, for a variation of the Premises Licence in relation to The Shipmate, 2 Union Street, Middlesbrough, as outlined above. The applicant had advertised the application, as required by the Licensing Act 2003, in the Evening Gazette on 9 July 2011.

The report provided background information in relation to the premises which, operated as a public house situated in close proximity to residential properties. The premises had the benefit of a Premises Licence and had previously operated under the provisions of a Justices Licence. The Premises Licence had been transferred to the applicant in September 2010, however the

premises had been closed since 2010 due to damaged suffered as a result of an arson attack and as a consequence the building was currently undergoing extensive refurbishment. The Senior Licensing Officer advised Members that on completion of the refurbishment works, the applicant would need to submit a further application to vary the licence in respect of the revised floor plans.

Details of representations, received from Middlehaven Community Council on 15 July 2011 and Gresham Community Council on 25 July 2011 were attached at Appendices 5) and 6) to the submitted report. It was highlighted that both of the Community Councils had made representations on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Cleveland Police had not offered any objections to the application following agreement with the applicant to the inclusion of a number of conditions on the Premises Licence detailed at Appendix 3 to the report.

The Council's Environmental Health Officer had not offered any objections to the application following agreement with the applicant to the inclusion of a number of conditions on the Premises Licence detailed at Appendix 4 to the report.

Applicant in Attendance

The representative on behalf of the Premises Licence Holder and a Director from Ayton properties presented the case in support of the application.

The representative advised that he had been in the licensing trade for 27 years and the company was currently responsible for a number of other licensed premises based in Middlesbrough and the surrounding areas.

Since taking over responsibility for the premises in 2010, the Sub Committee was advised that the applicant had spent in the region of £100,000 on refurbishment of the premises, including the installation of CCTV to the interior and exterior of the premises. The applicant advised that he wished to attract a better clientele to the premises and advised that he was willing to work with the community to ensure that the premises were not the cause of any problems

The applicants referred to the representations received from the Community Council's in relation to customers standing smoking cigarettes in the entrance to the doorway of the premises. Members were advised that in order to alleviate the problem, the premises had a separate entrance away from the main entrance which would be fenced off and used as a smoking area.

Members were advised that an experienced manager would have responsibility for the premises and the addition of the CCTV system would assist in maintaining order at the premises. The applicant advised that the aim of the company was to create a community based public house for use by local residents for functions and other community activities.

Questions to the Applicant

The Members of the Committee and the representatives from the Gresham and Middlehaven Community Councils asked questions of the applicants and the following issues were raised:

- In response to a query by the representative from Gresham Community Council, it was confirmed that some of the previous clientele of the premises would not be permitted entry to the newly refurbished premises;
- With regard to a query from a Member regarding people discarding cigarette ends when leaving the premises, the applicant advised that the problem could be identified by staff of the premises with the assistance of the CCTV system.
- The applicant was asked if he would install the CCTV system if his application was not successful. Members were advised that the CCTV system had already been installed at the premises.

Relevant Representations

Gresham Community Council

The representative from Gresham Community Council was in attendance at the meeting to make representations on behalf of members of the Gresham Community Council who opposed the application.

Reference was made to the proposed location of the smoking area and the proximity of the area to the homes of elderly residents. Residents had also expressed concern regarding the proposed 12 midnight closing hours and the noise associated with customers leaving the premises at that time.

Middlehaven Community Council

The representative from Middlehaven Community Council was in attendance at the meeting to make representations on behalf of members of the Community Council who opposed the application.

The representative stated that residents of the Community Council were concerned regarding the proposed extension to the hours to 1200 midnight. Residents, particularly those that resided in Monkland and Westward Close had indicated that they were concerned regarding anti social behaviour as they had previously been disturbed by customers leaving the premises after 11.00pm.

Residents had also experienced problems with noise and discarded cigarette ends associated with customers congregating in the Union Street entrance doorway to smoke cigarettes throughout the times when the premises were open and at the end of the evening following the dispersal of customers.

Summing Up

The Premises Licence Holder

The applicants summed up by stating that the premises had been operating for over 60 years and residents who had opted to live nearby were aware of this fact. The applicant stated that the money spent on refurbishing the premises would attract a better class of clientele and the relocation of the smoking area would be beneficial to residents. He stated that the Premises Licence Holder aimed to ensure that the premises were operated in a responsible manner.

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.

The Committee considered the report and the written and oral representations made by the applicant, the Police, the Council's Environmental Health Officer and representatives from Middlehaven Community Council and Gresham Community Council.

The Committee heard the residents' concerns about noise disturbance emanating from the premises and when customers dispersed from the premises at the end of the evening and it heard that any extension to the closing hours would only add to the problems.

The applicant was reminded of the requirement to submit revised floor plans to the Licensing Authority upon completion of the refurbishment works to the premises.

Decision

That the Application to Vary the Premises Licence in respect of The Shipmate, Ref No: MBRO/PR0288 be granted in part and that the revised licensing hours be as follows:

Sale of alcohol, Live and Recorded Music, Dancing and Indoor Sporting Events

Monday – Sunday 10.00am – 11.00pm

That the following conditions be included on the Premises Licence as follows:

1. Premises to be fitted with colour digital CCTV system, to cover both internal and external areas of the premises. The footage captured on the system must be retained for a minimum of 31 days and must be able to be transferred onto a medium that could be viewed on Cleveland Police computer systems. The footage captured on the CCTV system, must be made available to the Police and other responsible authorities upon reasonable request;
2. An incident book must be kept on the premises and maintained to record all incidents of crime and disorder and anti social behaviour;
3. A refusals book must be kept on the premises and maintained, to log all incidents of refusals to sell alcohol. The DPS must check the refusals book periodically to ensure compliance;
4. Challenge 25 signage will be displayed, in and around the premises and all persons who appear to be under the age of 25, will be challenged for identification in accordance with "Challenge 25";
5. A drugs register must be kept on the premises and maintained, to log all items that are suspected to be controlled substances, these substances will be placed in the drugs safe;
6. The premises must have a drugs safe, which has been approved by Cleveland Police. This drugs safe must be secured inside the premises in a manner approved by Cleveland Police;
7. No person will be allowed to consume alcohol outside of the licensed area, as per the building;
8. The DPS or other nominated person from the premises will attend and participate at all pubwatch meetings.
9. At no time shall any member of the public be exposed to a weighted equivalent continuous noise sound level (LAeq) exceeding 100dB measured over a 1 hour period. At no time shall the 5 minute LAeq exceed 102 dB at the nearest point in the premises to a fully operational loudspeaker that the attending public are allowed to approach;
10. All necessary precautions shall be taken to prevent persons in the neighbourhood of the premises being disturbed by noise;
11. Premises which operate licensed entertainment events using amplified music on more than one occasion each week shall display a notice in the entrance foyer of the premises with the wording "PATRONS ARE REMINDED THAT HIGH SOUND LEVELS CAN DAMAGE HEARING" or alternative wording which has been approved in writing by the Licensing Authority;
12. Prominent, clear and legible notices shall be displayed at all exits requesting that patrons respect the needs of local residents and leave the premises and the area in a quiet manner;
13. All windows and external doors at the rear of the premises in the area used for entertainment shall be kept closed at all times when regulated entertainment is being provided except in the event of an emergency;

14. At no time will the rear doors to the premises be used as a means for customers to access or exit the premises except in the event of an emergency.

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 the representatives from Gresham Community Council and Middlehaven Community Council.
3. The additional conditions suggested by Cleveland Police.
4. The additional conditions suggested by the Council's Environmental Health Officer.
5. The four Licensing Objectives of the Licensing Act 2003.
6. Relevant Government Guidance and Middlesbrough Council's Licensing Policy.

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

1. In relation to extending the hours for the sale of alcohol to 12 midnight, the Committee considered that it would increase noise and public nuisance in the area, particularly as the premises was in close proximity to residential dwellings.
2. The Middlesbrough Council Licensing Policy, Section 7.5 stated that in predominantly residential areas the Licensing authority will normally expect all licensable activities to cease at 11pm, with the premises to close no later than 11.30pm.

The applicant was reminded of the right to appeal to the Magistrates Court within 21 days of the date of the decision.