

**LICENSING SUB COMMITTEE C**

**A meeting of Licensing Sub Committee C was held on 13 November 2006.**

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

**OFFICIALS:** J Dixon, A Gray, J Hodgson and P Robertson.

**PRESENT AS AN OBSERVER:** N Wilson, Legal Services.

**ALSO IN ATTENDANCE:** C Harvard, Forth & Co. – Legal Representative for the Applicant.

R Hameed - Applicant.

J Miller, Project Co-ordinator, - Hameed Holdings.

Sgt. P Higgins – Police Licensing Unit.

M Nevison – Legal Representative for the Police.

**\*\* DECLARATIONS OF MEMBERS' INTERESTS**

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

**LICENSING ACT 2003: APPLICATION FOR VARIATION OF PREMISES LICENCE - THE ARENA, 208 NEWPORT ROAD, MIDDLESBROUGH - REF. NO. MBRO/PR0354/19905.**

**DECISION**

**ORDERED AS FOLLOWS:-**

1. That the Variation of the Licensable Activities to include: plays, films, indoor sporting events, live music, recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing, supply of alcohol and late night refreshment, be granted.
2. That the removal of all embedded restrictions transferred to the licence during the previous conversion of the licence be granted.
3. That the Variation in Hours for Licensable Activities be granted as follows:-  
Sale of alcohol - 11.00am to 2.30am daily  
All other Licensable Activities – 11.00am to 3.00am daily;  
and subject to modification of the conditions of the licence as follows:-
  - i) The addition of the eight proposed conditions by Environmental Health, and agreed with the applicant at the Hearing as follows:-
    1. A double-door 2 metre lobby shall be incorporated in the fire exit on the premises' south-western façade.
    2. All fire exit doors shall incorporate acoustic seals.
    3. The licensee shall have control of music sound levels at all times, not the DJ or other performers.
    4. Where practicable, entertainment noise shall be played through house amplification system and loudspeakers.
    5. Entertainment noise shall be controlled via frequency adjustable sound limiters to control sound output at 63Hz and 125Hz mid frequencies, set to operate at levels agreed with the Licensing Authority.
    6. All bass bins and loudspeakers shall be acoustically isolated from the building structure to prevent flanking caused by structure-borne sound transmission.
    7. Where practicable, the premises shall incorporate downward facing loudspeakers featuring narrow directivity patterns in order that sound is directed on to the dance floor only.
    8. Entertainment noise shall not raise the existing ambient noise levels and shall not be audible inside nearby noise sensitive premises after 11.00pm.

- ii) The addition of the conditions proposed by the Police and listed in the representation at Appendix 2 to the submitted report, numbered 1 to 6 and 8 to 11, as agreed with the applicant.
- iii) That condition number 7 as proposed by the Police be amended to read:-  
"Where the premises is open after 8.00pm on Fridays, Saturdays and Sundays, a minimum of two SIA approved door staff shall be on duty until closing time."
- iv) That the conditions numbered 12 and 13 as proposed by the Police, relating to persons under the age of 18 being accompanied by an adult at all times and not to be allowed on the premises after 7.00pm, be deleted.

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

1. The written representation submitted by the Environmental Health Department and evidence provided at the meeting.
2. The written and verbal representations submitted by Cleveland Police.
3. The Witness Statement submitted by Sgt Higgins.
4. 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.
  - Protection of Children from Harm, starting at paragraph 7.47, Annex H.
5. Middlesbrough Council's Licensing Policy particularly in relation to:-
  - Prevention of Public Nuisance, (pages 10 to 15, particularly paragraphs 42-43).
  - Prevention of Crime and Disorder (pages 17 and 18).
  - Protection of Children from Harm (pages 19 to 22, particularly paragraphs 95-99).

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

1. Whilst the Committee welcomed the proposals for investment in the premises and plans to provide a variety of diverse entertainment, it considered that a terminal hour of 3.00am to be appropriate for the following reasons:-
  - i) It was concerned with regard to crime and disorder upon hearing evidence from the Police which indicated that a terminal hour of 7.30am would be difficult to regulate with the Police resources available at that time of day.
  - ii) That there might be an impact on local residents from patrons travelling to the premises from other late night premises in the town centre.
  - iii) It was concerned with regard to lack of public transport during the early hours of the morning and the lack of car parking facilities which might lead to patrons parking outside residential dwellings.