

## **THE MINUTES OF THE MEETING OF THE**

### **LICENSING SUB-COMMITTEE**

**HELD ON TUESDAY 22 APRIL 2008**

Present: Councillor E. Bell (Chair)  
Councillors A. Collinson and  
R. Taylor

Also Present: C. Ridley – Licensing Officer, District of Easington  
R. Matharu - Legal Advisor to District of Easington  
A. Ruddock - Applicant  
M. Ruddock - Applicant  
D. Lucas - Fraser Brown, Solicitors  
G. Scholla - Area Manager, Admiral Taverns  
Local residents

1. **APPLICATION TO VARY PREMISES LICENCE UNDER THE LICENSING ACT 2003 - ADMIRAL TAVERNS, THE ARGUS BUTTERFLY, YORK ROAD, PETERLEE**

Prior to the commencement of the proceedings, clarification was sought in relation to the entitlement of residents to speak at the hearing. R. Matharu advised that the Licensing Act 2003 and Regulations clearly set out the procedure for 'Notice of Intention to Appear'. If residents had not given Notice to speak, they would not be entitled to be heard. She suggested that those residents who wished to speak but had not registered, could request one of their colleagues present, who had registered, to speak on their behalf.

Consideration was given to the report of the Environmental Health and Licensing Manager which gave details of an application to vary a premises licence under Section 34 of the Licensing Act 2003, a copy of which had been circulated.

The Licensing Officer reported that the applicants had requested the following licensable activities:-

Live music, recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing, supply of alcohol:-

Sunday to Thursday 10.00 to 00.00

Friday and Saturday 10.00 to 01.00

From end of standard time 31 December to the standard starting time on 1 January.

Late night refreshment

Sunday to Thursday 23.00 to 00.00.

Friday and Saturday 23.00 to 01.00.

An additional 30 minutes beyond these hours was also requested for the hours during which the premises would be open to the public.

A copy of the completed application was attached as Appendix 1 to the report.

The Licensing Officer reported that relevant representations had been received from Environmental Health, the Police and local residents regarding the

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Licensing Objectives of crime and disorder and public nuisance. Following negotiations with the Police, the applicants had agreed to amend the hours for the licensable activities as follows:-

Sunday to Thursday 10.00 to 23.30 with the premises closing to the public at 00.00

Friday and Saturday 10.00 to 00.00 with the premises closing at 00.30.

The applicant had also agreed to the installation of CCTV to the front of the premises to record customers leaving the premises. Accordingly, the Police had withdrawn their representation.

With regard to the representations submitted by the Environmental Health Section the Licensing Officer advised that these had been received outside the 28 day consultation period and had to be disregarded. Notwithstanding this, the applicants had agreed to all of the conditions listed at 3.15 (ii) to (viii) in the report, with the exception of the hours of operation. The applicants had also offered additional measures to address the licensing objectives, as detailed in Section 3.20 of the report.

The Licensing Officer continued that relevant representations had been received from residents, the main objections were related to a perceived increase in public nuisance, crime and disorder and that the extended hours or activities were not suitable for a residential area, particularly the entertainment and the hours to which it was proposed.

Copies of the objections received from the residents were attached as Appendix 2 and the relevant extracts of the Authority's licencing policy and guidance of the Secretary of State were attached at Appendices 3 and 4.

In response to a request for advice from Mr Lee, resident as to where complaints should be directed if the application was granted and any problems arose, R. Matharu advised that this would depend upon the nature of the problem, although it would be advisable to contact the Tenants first. Crime and disorder issues should be reported to the Police with any noise nuisance complaints to the Council's Environmental Health Section.

Mr. Blogg, resident, referred to a procedural issue concerning the display of the Notice of Application on the premises, stating that he had not seen such a Notice erected. The Licensing Officer explained that a Notice had been placed in the premises for 28 days following the application and this had been checked by Licensing Officers in the normal course of their duties. Mr Scholla added that the erection of the Notice would have been dealt with by his predecessor Mr Creamer. R. Matharu advised that the law required that a Notice of Application be advertised in a publication that residents would have access to. As the application had been in the local free paper, the Peterlee Star, she was satisfied that the Notice had been adequately advertised in accordance with the provisions of the law. With regard to the erection of the Notice on the premises she requested that Mr Lucas contact Mr Creamer for clarification.

A number of residents were present and J. Andrews directed the following questions/comments to the applicants:-

- (I) Residents would prefer the terminal hour to be 11.00pm
- (II) Could CCTV be erected to the rear of the premises?
- (III) What will be served as "late night refreshment"

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- (IV) Residents should have been consulted by the applicants
- (V) What age group are the applicants trying to attract into the premises?
- (VI) Is it going to be a nightclub?

At this point, with the agreement of all parties, it was suggested that Mr. Lucas, the applicant's representative, present the details of the application which would answer the residents queries. He explained that the existing licence required updating as a number of the conditions were no longer applicable. For example, at present the existing licence allowed the provision of live music to the terminal hour but with recorded music at any time. The applicants, therefore, wished to replace the licence with what was proposed.

He referred to the plan circulated with the documents and explained the minor changes to the layout. The application also requested additional facilities for the performance of dance, and music and dancing in the function room. The hours had been amended following agreement with the Police and although the Police had only requested CCTV to the front of the premises, the system had eight cameras. Externally they were positioned at the front of the premises with one on the decking area. There were no intentions to erect a camera at the rear of the premises as there were only emergency exit doors located there which were alarmed. The windows to the rear elevation had been bricked up to improve sound insulation and as explained by the Licensing Officer all the conditions submitted by Environmental Health had been agreed with the exception of the terminal hour. This was despite the representations being outside the time limit for consultation.

He provided some background to Admiral Taverns, stating that the Company had been established in 2003 and owned 2,700 premises in England and Wales, all of which were tenanted. The application was made in the name of Admiral Taverns to allow greater control over the operation of the premises. The premises had been acquired from Enterprise in September 2006 and had been closed since June 2007.

A substantial refurbishment of the premises had been carried out and the new managers had both been in the licensing business since 1986, having previously been tenants of a Brewers Fayre public house in Hartlepool. The vision for the business was to create a child friendly, family environment at the centre of a local community that also had a reputation for good food with some entertainment. The premises would be available for private functions. It was proposed that a 50/50 split between food and drink sales would be provided with meals all day, Sunday carvery and other offers such as pensioners luncheon clubs, tea time specials, all of which were aimed at the local community.

The application for late night refreshment was to allow the serving of tea/coffee.

The property would also have sky sports and would provide facilities for football teams and other community groups to meet. Other activities planned included fun days for families, mother and baby groups, charity events etc. Following negotiations with the Police, the terminal hours had been amended which would indicate that the Police did not envisage that the finishing times would contribute to crime and disorder. The hours of operation were not unusual for similar types of premises across the country.

Mr. Scholla reiterated the comments of Mr. Lucas, stating that the Company and the tenants had invested a lot of money in the business and therefore it was in

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their own interests to ensure that it was a success in the community. They did not want to hold discos in the premises, it would be community oriented activities and private functions such as weddings.

Mr. Scholla accepted that consultation with local residents should have been carried out prior to the application being submitted and this would have been done if he had been the Area Manager at the time.

The Chair of the Sub-Committee asked why it was necessary to include drinks promotions in the application when a 50/50 food/drink split was proposed. This concern was also expressed by Mr Lambert, resident. Mr. Lucas responded that the Company would not introduce irresponsible promotions. A drinks promotion could, for example, be an offer on a bottle of wine. He re-assured residents that any promotions would be responsible.

Mrs. Nicholson, resident, referred to sound insulation in the function room and asked why no improvements were planned to improve the appearance of the rear of the building. Mr Lucas advised that a noise-limiting device was to be fitted on Friday of that week. With regard to the reference to the visual aspect of the rear of the premises, Mrs Nicholson was advised that this was not a licensing matter.

Councillor Mrs Sloan, who had been asked to speak on behalf of some of the residents, referred to the decking area stating that allowing alcohol there may cause problems and encourage youths to congregate. She also stated that an 11.00pm terminal hour was more acceptable.

Mr. Hutchinson, resident, asked if customers would be allowed into the premises after 11.00pm for alcohol. Mr. Ruddock, the applicant, advised that this would not be their intention and entrance to the premises would be supervised either by himself or door supervisors if employed on a particular evening. A risk assessment on individual events would be carried out to determine if door supervisors were required.

In response to a question from Mr. Coates, resident, in relation to dealing with problems outside after the premises had closed, R. Matharu stated that the Licensing Act 2003 was clear as to the responsibility of a publican for its clientele following vacation of the premises. She advised that measures had been offered as standard conditions with notices erected asking customers to leave quietly. A resident stated that door supervision should be provided each evening to prevent customers entering the premises after 11.00pm, particularly as there was a licensed premises nearby which closed earlier, and the applicants were asked to consider offering this as a measure.

Mr. Lambert, resident, questioned why a family oriented public house serving food, needed the extra hour. Mr. Lucas responded that the application was for a 50/50 split with other licensable activities and the timing was not unusual for premises of this nature. The extra time allowed the applicants flexibility to provide the other activities requested. Late opening may not be required at all times.

A Member of the Sub-Committee asked residents to clarify what their concerns were, having heard the presentations by Mr Lucas and Mr Scholla. J Andrews stated that on hearing the details of the application, residents were not opposed to the activities proposed in the premises but were concerned about the possible nuisance after customers vacated the building. If the premises

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closed at 11.00pm, people would disperse at a reasonable hour and problems would be less likely to arise.

In response to a question from a Member of the Sub-Committee concerning any breach of the licence, Mr Lucas advised that in addition to potentially having the licence revoked the tenant may be required to forfeit his tenancy of the premises.

Prior to the Sub-Committee retiring R Matharu clarified that following the presentations given by Mr Lucas and Mr Scholla, the only area of contention between the applicants and residents was now the terminal hour. She asked the applicants to clarify their reasons for extending the hours of operation.

Mr Scholla responded that the extension was applied for because the new licensing regime allowed for it, adding that as stated by Mr Lucas it may not be necessary to use the extra hour at all times.

At this point, Members of the Sub-Committee retired from the meeting to deliberate the application in private in accordance with 14.2 of the Licensing Hearing Regulations.

On their return, the Chair explained that the decision had been based upon the facts and evidence put forward. Admiral Taverns had set out their vision of a family oriented pub and the Licensing Sub-Committee was minded that strenuous efforts and compromise had been made by Admiral Taverns. However, to ensure that the area was maintained trouble free it was **RESOLVED** that the application to vary the premises licence be granted with the following amendment to the hours of operation:-

Sunday - Thursday, 10.00am - 11.00pm with thirty minutes drinking up time.

Friday and Saturday - 10.00am - 11.30pm with thirty minutes drinking up time.

For any special occasions that warranted a variation to these times, individual applications be submitted for a Temporary Event Notice.