

**THE MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

HELD ON WEDNESDAY, 10 AUGUST, 2005

Present: Councillor B Joyce (Chair)
Councillors A Burnip, A J Holmes

Also present: K Shears – Punch Taverns
G Richardson – Resident
Andrew Naylor – Resident
A Ebbblewhite – Resident
M Bell – District of Easington
R Matharu – Legal Advisor for District of
Easington

1 APPLICATION TO VARY PREMISES LICENCE UNDER THE LICENSING ACT 2003 – FORD AND WARREN ON BEHALF OF PUNCH TAVERNS, THE KNARESBOROUGH, WILLIAMS ROAD, MURTON

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

The Senior Licensing Officer explained that the Police had withdrawn their objections on the basis that the applicants had agreed to modify the application. The application was now for the supply of alcohol, karaoke and up to two live performances until 12.30 am with 30 minutes drinking up time every day of the week, including Bank Holidays. The Environmental Health Officer, District of Easington had also withdrawn their representations on the basis of the following conditions agreed with the applicants:-

- External door must not be wedged open;
- A door closing device must be fitted and in good working order;
- Windows must be kept closed;
- The placing of refuse such as bottles into waste bins outside the premises must not be done between the hours of 2300 and 0800;
- The applicant must make the appropriate risk assessment under the Workplace, Health and Safety Welfare Regulations 1992, Regulation 61 Ventilation.

Local residents had made representations on the grounds of public nuisance from the proposed activities and a petition had been submitted, a copy of which was attached to the report.

The relevant extracts of the Authority's Licensing Policy and Guidance of the Secretary of State were also attached to the report.

Mr Ebbblewhite, a resident, advised that he lived directly across from the premises and even without the extended hours it was noisy, especially at weekends. His young daughter slept in the front bedroom and was often disturbed when people exited the premises. In addition, there were no buses at that time and taxis were often noisy.

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Mr Shears, Punch Taverns referred to the problems experienced as detailed in the residents' letter of objection stating that it was unclear whether they related to other premises in the area as well. Mr Ebblewhite responded that the problems referred to were specific to The Knaresborough.

Mr Naylor, a resident, added that he lived next door to Mr Ebblewhite and in the 25 years he had lived there had noticed an increase in problems. If the extended hours were granted people may congregate from the other public houses in the area to the Knaresborough after closing. He had called the Police on occasions because of damage to cars, violence and noise from taxis. He considered that the situation would only get worse and advised Members that there were a lot of children living in that area as well who may be disturbed by the noise.

Mr Richardson, a resident reiterated the comments of Mr Ebblewhite and Mr Naylor and added that he was constantly picking up bottles and empty cans from his garden which he felt would get worse if the hours were extended.

Mr Shears advised that he fully understood the concerns of local residents however, reminded them that the representations originally made by the Police did not record any problems or complaints within the last year. As a result of negotiations with the applicants, the Environmental Health Officer and the Police had now withdrawn their objections. The applicant had reduced the hours and agreed to conditions to avoid problems. This should allay Members fears and the concerns of residents.

He referred Members to Section 5.69 of the Guidance under Section 182 of the Licensing Act 2003 which stated that "there was no power for the licensing authority to attach a condition which was merely aspirational; it must be necessary", and Section 6.10 that "the general principle should be to support later opening so that customers left for natural reasons over a longer period". Section 7.13 of the Guidance referred to the powers of an Environmental Health Officer in respect of statutory nuisance under the Environmental Protection Act 1990. He added that if the application was granted and there were problems the licence could be reviewed.

On a point of evidence, R Matharu, Legal Advisor asked for clarification of the incidents referred to in the last 12 months when the Police were called and if as a result there had been any prosecutions or cautions given. Mr Naylor advised that there had been no prosecutions and Mr Shears considered that the Police would have made reference to the incidents in their representations if they had been of concern.

Councillor Burnip asked if, as a result of problems over the years any representations had been made to the Magistrates Court when previous applications for renewal had been made. The residents advised that there had been no representations submitted by them.

R Matharu asked if the residents had been made aware of the changes to the application and if, as a result of the proposed modifications their representations remained the same. The residents stated that they had not been advised of the changes prior to the Sub-Committee, however their objections had not changed as they considered that the revised hours were still unacceptable.

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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.

The Members returned and the Chair explained that having considered the application and the representations put forward the Sub-Committee had **RESOLVED** that the application, as modified, be granted for the reasons that:-

- (i) modifications had been made by the applicant;
- (ii) the concerns of the Technical Officer for Environmental Health were to be addressed and had been agreed by the applicant;
- (iii) the points about nuisance raised by an objector had not been substantiated and in particular, there was no evidence to support this or Police presence to lodge an objection;
- (iv) with regard to points raised by the objectors about disorderly behaviour and drunkenness the Sub-Committee were minded to examine Section 182 of the Licensing Act 2003 and in particular Section 7.24 in Appendix 4;
- (v) the objections had been noted however, the salient issues were covered under the Licensing Act 2003.

JE/MC/COM/LIC/050801
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