

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

HELD ON WEDNESDAY 23 SEPTEMBER 2005

Present: Councillor E Bell (Chair)
Councillors W R Peardon and
D Armstrong

Also Present: S Harvey – applicant
M Lee – supporter
J Scotter – supporter
S Jones - supporter
M Vickers – supporter
M Ellison – resident
R Matharu – legal advisor
C Ridley – District of Easington

APPLICATION FOR NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE SHOULDER OF MUTTON, LOW ROW, EASINGTON VILLAGE

Consideration was given to the report of the Environmental Health and Licensing Manager which gave details of an application for a premises licence, a copy of which had been circulated.

The Principal Environmental Health Officer (Licensing) explained that the application was for a premises licence under Section 17 of the Licensing Act 2003. The hours of operation were detailed in the report.

She advised that representations from the Police had been withdrawn and the residents' objections related to the probability of disturbance in the area from the provision of entertainment until the requested hours and patrons leaving the premises at the proposed terminal hour. The premises were located in a residential area whereby anyone leaving the premises after the terminal hour on foot would pass housing. The applicant did offer measures within the operating schedule with respect to the licensing objective of prevention of public nuisance. The relevant extracts of the Authority's Licensing Policy and Guidance of the Secretary of State were attached at Appendix 3 and 4 to the report.

S Harvey, the applicant asked the Sub-Committee to consider additional evidence in the form of letters of support. R Matharu, Legal Advisor, advised that once the application was submitted interested parties could make representations within 28 days. The Licensing Sub-Committee noted that S Harvey's Solicitors were aware of the provisions in relation to this, that the letters of objection had been submitted to all interested parties beforehand and that M Ellison, objector had not had sight of the letters of support in advance of the hearing. The Licensing Sub-Committee determined that the additional evidence could not be heard in accordance with the Licensing Hearing Regulations.

M Ellison explained that she lived adjacent to the premises and was concerned at the extra hour applied for as currently customers tended to remain outside the premises for around 1 - 1½ hours after closing. Her husband was poorly and if the application was granted for the hours specified it would have a further detrimental effect on his health. Her windows had been broken and glasses smashed outside her property in the past. With regard to karaoke, she advised that she was not complaining about the noise but how late it would continue until if the licence was granted.

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The applicant, S Harvey advised that customers visited her pub as part of a circuit in Easington Village and she felt that if the licence was not granted customers would go elsewhere. The average age of customers was between 30 and 55 and she felt that she managed to control any problems, particularly on Friday and Saturday nights. She picked up bottles and glasses that were left outside. The music was stopped promptly in accordance with the licence as was the serving of alcohol. She had barred certain customers for causing a disturbance outside waiting for taxis. She felt that her pub was not solely responsible as there were other public houses in the area and a takeaway. Any complaints she received were dealt with and she had never had any complaints about noise levels. She was also prepared to instal CCTV in the premises and to deal with residents' complaints at any time of the night or day. She would accept any conditions that the Sub-Committee placed on the licence. She did not want to disturb M Ellison's private life and she felt she that she had a good relationship with her customers.

J Scotter who worked for S Harvey reiterated the applicant's comments stating that people visited the public houses in Easington Village on a circuit and customers arrived at the Shoulder of Mutton last. If the extended hours were not granted these customers would be lost having a detrimental effect on S Harvey's business.

At this point, R Matharu reminded everyone present of the procedure for the hearing. She asked M Ellison if she wished to hear the views of those who had accompanied S Harvey yet had not previously indicated that they were to attend and wished to speak. M Ellison felt that both parties had fully stated their case, that any further comments would cover the same issues and were therefore unnecessary.

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 in reaching it's decision the Sub-Committee considered the following:-

- (i) They acknowledged that the letters of objection had been filed in time, but as none other than M Ellison had attended the letters were disregarded;
- (ii) with regard to the request by the applicant for additional evidence to be considered, Members heard that S Harvey's Solicitors had been instructed and were aware of the provisions in the Regulations in relation to the length of time for interested parties to make representations;
- (iii) in relation to the effect on S Harvey's business if the licence was not granted, the Sub-Committee could not take into account any financial factors submitted by the applicant;
- (iv) the Members were mindful of the provisions within the Licensing Act 2003 in relation to the prevention of zoning areas;
- (v) the applicant was not responsible for the actions of people in public places.

The Sub-Committee **RESOLVED** that the application be granted with the following modifications to alleviate the problem of the congregation of members of the public in a residential area:-

- (a) the sale of alcohol to cease at 11.45 pm on Friday and Saturday and premises to be cleared by 12 midnight;
- (b) regulated entertainment to cease at 11.30 pm Friday and Saturday;

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(c) CCTV to be installed to monitor the front of the premises.

JE/MA/com.lic./051001
20 October 2005