

THE MINUTES OF THE MEETING
OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY 7 DECEMBER, 2005

Present: Councillor G Pinkney (Chair)

Councillors Mrs E Huntington and
W R Peardon

Also Present: Mr D Noble – Olnito Ltd
Miss Henley – Olnito Ltd
Ms M Toth – Manager
Mr C Turnbull – Watson Burton Solicitors
Mrs C Ridley – District of Easington

1. **APPLICATION FOR NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE DERBY, SEASIDE LANE, EASINGTON COLLIERY**

Consideration was given to the report of the Environmental Health and Licensing Manager on an application for a Premises Licence under Section 17 of the Licensing Act 2003, a copy of which had been circulated.

The Principal Environmental Health Officer explained that the application was for a new Premises Licence under Section 17 of the Licensing Act 2003. The hours of operation were detailed in the report and a copy of the completed application was attached at Appendix 1.

Local residents had objected to the application on the grounds of the probability of disturbance in the area for the reasons set out in the report. Four of the original objections had been withdrawn as the objectors had been under the impression that the application was for a 24 hour alcohol licence. Copies of the relevant representations and letters of withdrawal were attached at Appendix 2 together with relevant sections of the guidance in respect of prevention of public nuisance at Appendix 4.

The Applicant had offered to keep external doors closed during entertainment to address the licensing objective of prevention of public nuisance.

It was noted that there were no objectors in attendance and the Principal Environmental Health Officer advised that she had not received notice that they would attend or be represented at the hearing.

Miss Henley, on behalf of the Applicants, submitted plans showing the layout of the premises and its location in relation to other licensed premises and housing. She referred to other conveniences situated in the locality of the public house which were also close to the objectors' properties; three takeaways, a Youth Centre and a Co-operative Store with a cash point, an open porch and toilet adjacent. She stated that people tended to congregate in this area on leaving the public houses in the town and when waiting for taxis.

The public house had a very strict tolerance policy and the Manager was Secretary of the Pub Watch Scheme, the only public house in Easington

Licensing Sub-Committee – 7 December, 2005

Colliery to be a Member. Drug searches were carried out on the premises every six weeks.

The Applicant, Mr Noble, advised that he aimed to turn this into a community public house with a family restaurant (subject to planning permission). The premises benefited from a full CCTV system inside with plans to install a similar system outside. The closest objectors lived some 27 metres away, however, if there was anything he could do to reduce noise as a condition of the licence he would do so. At present the only part of the premises open was the bar area. The remaining rooms were closed for refurbishment and would open if the licence was granted.

M Toth, Manager, advised that she had three children living with her on the premises. She had zero tolerance on excessive drinking and drugs on the premises. Notices had been erected advising that there were CCTV cameras installed. Music would not be at a level that would wake her children, therefore, should not disturb local residents.

Miss Henley added that it was not for the Manager to control people outside the public house. Measures had been taken to minimise problems. They had a good working relationship with the Police and a zero tolerance policy on anti-social behaviour and drugs. Other public houses in the area had a licence until 1.00am and therefore The Derby would still be closing earlier than others if the licence was granted.

At this point the Council's Legal Advisor advised asked if the Manager considered that her responsibility ended when patrons left the premises and what measures had been taken as the Sub-Committee needed to be satisfied that the residents objections had been dealt with. In responding, Mr Noble advised that he would be prepared to erect Notices asking patrons to leave quietly.

The Chair of the Licensing Sub-Committee made reference to the patio area and asked if this was enclosed. Mr Noble responded that it was only open in the summer and was behind the public house, no one could access it other than through the bar. No music was played in the bar during the day when the patio area was open, however he would be prepared to have a noise level check carried out if necessary. M Toth stated that a function with live music had been held in the bar area in the past which she confirmed should have been held in the function room.

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.

Members returned and the Chair explained that the Sub-Committee acknowledged that the applicants were members of the Pub Watch Scheme and were working to overturn the previous reputation of the premises. The Sub-Committee also noted that there were no representations from the Police, that Mr Noble was prepared to have noise levels checked if necessary and would erect Notices asking patrons to leave the premises quietly.

The Sub-Committee therefore **RESOLVED** that the application be granted with the following modifications:-

Licensing Sub-Committee – 7 December, 2005

- (i) The last service of alcohol to be thirty minutes before the requested hours with thirty minutes drinking up time;
- (ii) notices to be erected on the external doors requesting patrons to leave in a quiet and orderly manner;
- (iii) live entertainment to be restricted to the function room only.

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