

LICENSING SUB-COMMITTEE

10 June, 2013

PRESENT – Councillors L. Haszeldine, D. Jones and Lee.

(3)

LS4. ELECTION OF CHAIR – RESOLVED – Councillor Lee.

LS5. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

LS6. APPLICATION TO VARY A PREMISES LICENCE – The Director of Place submitted a report (previously circulated) to consider an application to vary a premise licence in the light of representations from a Responsible Authority (Environmental Health) and two ‘other Persons’ (local businesses) on the grounds of the Prevention of Public Nuisance. The representations were in respect of Sloan’s, Darlington.

The submitted information (previously circulated) advised that Environmental Health had withdrawn their representation, following continued dialogue with the applicant and an agreement in principle, of seven conditions being added to the licence to alleviate the concerns relating to noise previously raised.

The Licensing Manager introduced the application in detail and advised Members that they should “put out of their mind” the representation from Environmental Health. A document was tabled providing details of a map of the area identifying the location and the proximity of the licensed premises.

Mr. Arroll, Director of Grange Bars Ltd and Mr. Flockett, Operational Manager on behalf of Sloan’s, together with Mr. Robertson, Director of Truffles Restaurant and Mr. Clark and Mr. Curry, Directors of Prego attended the meeting.

Members listened carefully to the representations objecting to the application based on the prevention of public nuisance in respect of the noise from the business impacting on the properties underneath and groups of people congregating around the front of their businesses. Mr. Arroll addressed the meeting on behalf of the applicant and all parties addressed the points for clarification. Particular reference was made to a visit to the premise on March 2013 by Licensing and Police Officers.

The Sub-Committee considered the views in accordance with Statutory Instrument 2005 No. 44, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 of the Licensing Act 2003, and in accordance with the ‘Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received’.

In reaching their decision, Members gave consideration to the objections, the past history of complaints and failure of the management of Sloan’s to adequately address the concerns raised by neighbouring businesses particularly around noise issues. Members felt that an additional condition should be added to address objectors concerns about people congregating outside of their premises. Members also took account of the additional conditions proposed by the Environmental Health Manager, based on the fact that there had been noise issues in the past, as recently as March 2013, and noted that improvements had been made since the date of the application to vary the licence in April 2013, but were not satisfied that this was of sufficient time to

ensure that the issues had been resolved. Members believed that dancing to background music would not cause concern to Sloan's neighbours and also advised that should the improvements be demonstrated for a longer period of time a further application could be made. Members felt that their decision addressed the objections received and promoted the Prevention of Public Nuisance.

RESOLVED – (a) That the variation be granted in part only as follows:

- i. The application to include dancing on the premises licence as a licensable activity was granted.
- ii. The application to remove the stipulation that recorded music must be background music only was refused (this had been offered as a limitation at the time of the initial application for a Premises Licence in April 2012)
- iii. The application to extend the terminal hour of all licensable activities by one hour every Friday and Saturday was refused
- iv. The application to extend the premises closing time by one hour every Friday and Saturday was refused.

(b) That, in addition to conditions currently on the licence, that are in addition to the mandatory conditions for the sale of alcohol and door staff, further conditions be should added, as previously agreed with the Environmental Health Officer, with the exception of the original condition (viii) which has been replaced by the condition detailed at 3. below

1. Each day that recorded music and/or dancing takes place a check shall be carried out on an hourly basis to ensure that such entertainment provided within the premises is not audible in Grange Road

2. On each day that recorded music and/or dancing takes place a check shall be carried out at 21.00 and 23.00 at any surrounding business that is open to ensure that such entertainment provided at the Applicant Company's premises is not audible in the receptor premise. If such entertainment is provided prior to 19:00 then additional checks must be carried out at intervals of no greater than 2 hours

3. All checks carried out in accordance with the preceding two conditions shall be recorded in a log book. The information recorded shall include the date, time, person carrying out the check, the results of the check and what remedial action, if any, is taken. The book shall be produced on request to the Police or Authorised officers of the Council

4. The Applicant Company and/or their staff shall record details of all noise complaints made directly to them in the log book required by condition above. The information recorded shall include the date, time, person recording the complaint, the details of the complaint and what remedial action, if any, is taken. The log book shall be made available at any time to any Authorised Officer of Darlington Borough Council, the Police and the Fire Service

6. All windows to the premises shall be kept closed at all times when recorded music and/or dancing is offered

7. The doors to the premises shall be kept closed at all times when recorded music and/or dancing is offered other than to allow for the ingress and egress of visitors

(c) That one further condition be added to the licence, as follows:

The Designated Premises Supervisor shall ensure that patrons who are queuing to gain admission to the premises shall form a queue away from the entry/exit point of Truffle Restaurant.