

Licensing Sub-Committee

12 January 2017

Present: Councillors D Drummond, W Lott and D McMeekan.

LSQ22/01/17 Appointment of Chair

Resolved that Councillor W Lott be appointed Chair for this meeting.

LSQ23/01/17 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

LSQ24/01/17 Application for a Variation to a Premises Licence – Linskill Centre, Linskill Terrace, North Shields (Tynemouth Ward)

The Sub-committee met to consider an application for a variation to a premises licence in relation to the Linskill Centre, Linskill Terrace, North Shields. The applicant, The Linskill North Tyneside Community Development Trust, sought a variation to the existing premises licence to permit the supply of alcohol and the provision of live and recorded music (on and off the premises) each day of the week between 11.00 hours and 00.00 hours and for the provision of late night refreshment each day of the week from 23.00 hours to 00.00 hours. The premises would be open to the public each day of the week from 11.00 hours to 00.00 hours.

It was explained that the applicant wished to extend the current hours for the provision of licensable activities and to include the car park and outside garden areas into the premises licence.

The Authority had received representations from 8 persons who lived near to the premises.

Following introductions, the Sub-committee's legal advisor, set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representation received and the options available to the Sub-committee.

The applicant was represented at the hearing by Ms C Hanson, Business and Development Manager. Mr and Mrs Walton, Ms Banks and Mrs Wark were present together with Dr Curtis and Miss Burns who were acting on behalf of Mrs Curtis and Mr Walsh respectively.

Mr Walton explained that his objection related to the issue of noise from the premises particularly when the car park was used for events. Despite his home having double glazing the level of noise coming from the premises during the Gin Festival was unacceptable.

Mrs Walton referred to issues around the lack of car parking facilities when the car park of the premises was used for events and she also expressed concern over the sale of alcohol during the children's Winter Wonderland event as well as drunken behaviour from patrons of the event.

Dr Curtis, on behalf of Mrs Curtis, expressed concern about the availability of alcohol outside of the premises and the issue of noise which could lead to problems with the patrons attending events at the premises. He also referred to the difficulty residents had had parking their vehicles when outdoor events took place at the premises. He explained that he had attended the Gin Festival which he thought was a good event but he did consider that there was an issue with noise pollution during the event. He also expressed doubt about the ability of the management of the premises to adequately police a large outside area such as the car park. Reference was also made to the current restrictions on the number of outside events which could be held at the premises which he considered to be a reasonable number.

Ms Banks explained that whilst she understood the importance of the premises for the community she did consider that the noise from both the Gin Festival and the Winter Wonderland events was unacceptable. On both occasions despite her house having double glazing she had had to leave her home whilst the events took place due to the noise. She also referred to the three alcohol concessions which were available during the Winter Wonderland event, an event which had been primarily aimed at children, and explained that she did not think that the amount of alcohol which was available was appropriate.

Mrs Wark referred to 3 girls leaving the Gin Festival who appeared to be drunk and unable to walk properly. She also referred to the noise emanating from the premises and expressed her concerns about the parking outside residents' homes whilst the outdoor events were taking place and described it as an accident waiting to happen.

Ms Burns, on behalf of Mr Welsh, explained that his objection related to noise and traffic chaos with vehicles being triple parked whilst the Gin Festival was taking place

Ms Hanson, on behalf of the Applicant, explained that the main reason for the application was to allow for a bit more flexibility to hold larger events to generate income to run the premises. She also explained that it was not the intention to hold outside events on more than three occasions over the course of a year but that restrictions on the numbers allowed when using a Temporary Event Notice made the organisation of events such as the Gin Festival more problematic. The applicant had hand delivered 200 letters to residents in advance of the Gin Festival to explain what they were proposing to do. She also explained that lessons had been learned from both the Gin Festival and the Winter Wonderland.

She explained that she had spoken to the Environmental Health Department at the Authority to identify steps which can be taken to address the issue of noise from the outside events. She also explained that security staff had been employed at the Gin Festival and arrangements had been made with a local taxi company to pick up passengers from the event and prevent a taxi rank forming in the street.

All parties were given the opportunity of summing up their respective submissions.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

Resolved that (1) the application for a variation to the premises licence in relation to the Linskill Centre, Linskill Terrace, North Shields be granted;
(2) the previous condition 7 attached to the premises licence be removed; and
(3) the following conditions be attached to the premises licence:-

1. The external garden areas to the premises must be vacated by patrons by 23.00 hours.
2. The car park area of the premises must be vacated by 22.30 hours and cannot be used by patrons after that hour save for the use of a designated smoking area within that area or for access or egress to and from the premises.
3. There will be no more than 4 events in the car park area of the premises within any calendar year, and any one "event" cannot exceed 35 hours in duration.
4. The premises licence holder will notify an Environmental Health Officer within the Local Authority at least 14 days before an outdoor event in the car park area takes place that such an event is to take place. This notification is given by the licence holder with a view to obtaining, and thereafter following, the advice given to it by the Environmental Health Officer in relation to the avoidance/mitigation of public nuisance from noise in relation to such an event.
5. The premises licence holder, or the person in charge of the premises at any given time, will ensure at all times that noise from or associated with activities emanating from the premises does not exceed an equivalent noise level of 34dB(A) measured over 5 minutes after 23.00 hours and 35dB(A) measured over 1 hour between 11.00 hours and 23.00 hours at residences within 100 metres of the boundary of the premises with the windows of such residences shut.

Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) There have been no representations received from Northumbria Police or any of the other Responsible Authorities;
- b) The majority of the residents in the vicinity of the premises have not made any representations in relation to the application;
- c) The main issue for the residents who live near to the premises relates to noise emanating from the car park area when events are taking place and issues around indiscriminate parking by patrons;
- d) The applicant has confirmed that it is intended to hold events in the car park on 3 occasions;
- e) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with public safety and the prevention of public nuisance.