

**At a meeting of the LICENSING SUB-COMMITTEE held in the CIVIC CENTRE on ,
Tuesday 9th November, 2010 at 10.00 a.m.**

Present:-

Councillor Old in the Chair

Councillors P. Gibson and D. Richardson

Declarations of Interest

There were no declarations of interest.

Apologies for Absence

All Members of the Sub-Committee being present, there were no apologies for absence.

**Licensing Act 2003 – Consideration of an Application for the Grant of a
Premises Licence – NE38 Sports Bar, Barmston Centre, Washington, NE38 8DG**

The Executive Director of City Services submitted a report (copy circulated) concerning the above.

(For copy report – see original minutes).

The Sub-Committee in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder have read all the documents presented to them contained in and appended to the report for this hearing.

In reaching their decision the Committee have taken account only of the information presented by the Applicant and those relevant representations of responsible authorities and interested parties as defined in the Act.

No Responsible Authority has made any representation.

There have been five letters objecting received from a total of eleven interested party objectors. The first letter is from a couple who have lived in the area for over 30 years. Under the heading Prevention of Crime and Disorder lists the problems which occurred under the previous Management and that they cannot see the Sports Bar being any different and will attract back all the seedy characters and alcoholics they have just got rid of. It mentions the vicinity of a large school and nursery saying that parents would not want their children exposed to the unsavoury element the bar would attract. The letter further states that the building is dilapidated and unfit for public use.

The second letter objects because of its residential location and proximity to the school, nursery, place of worship and care home for the elderly plus the licensing hours it is seeking. They believe it will increase traffic, cause parking problems and increase rowdy and disruptive behaviour at closing time. The other letters basically repeat the same concerns already expressed.

Only one interested party, Mr. Michael Irving, the author of the letter found at pages 26-28 of the Committee report attended the hearing. Mr. Irving stated that he had put in detail what his concerns were in his letter but having now spoken to the police and the gentleman (Mr. Hall) who was taking over the premises he has now not as concerned and will be happy for the licence to be granted. He was initially concerned, particularly for the old people who live nearby having noise when the premises kicked out late at night. In addition, he was concerned and is still concerned in respect of where customers will park their cars as the existing car park nearby is to be turned into flats. He feels confident having spoken to Mr. Hall that the problems that had occurred with the premises when it was a club will not reoccur. He stated that some of the things that went on outside the club were disgusting, but is happy that they are now seeking a more desirable type of client. He also wants to see the club redeveloped as it is currently empty and dilapidated. It is better that it be opened up and ran as a community pub than become an eyesore. He is pleased to see that Mr. Hall has already renewed the roof.

In the case of the anonymous objectors the Committee, as with all hearsay evidence which they are entitled to receive, acknowledge that it has not been tested by the Committee being able to ask questions and as such less weight is attached to it.

The Committee on behalf of the Applicant have heard the following:

1. Mr. John Hall, the Applicant and his Solicitor, Mr. Toby Raimes

The Applicant's position is Mr. Hall has an experienced background in the licensing trade. He was brought up living in a social club and then moved on to run bars in Gateshead and Durham before moving abroad for ten years. More recently he has returned and ran the Speculation Pub for three or four years then took over the New Tavern and the Washington Football Club. The New Tavern had a bad reputation for trouble at the time but he has changed this around. Mr. Hall stated he looked at the Barmston Club and noted that it was a large area with no other pub nearby. He considered that there was a genuine need for a community type establishment and that is what he intends to make the NE38 Sports Bar into. The intention is to have Sky Sports on of darts and pool, have weekly quizzes and 50/50 dancing for some of the more elderly customers.

Mr. Irving stated at this time that he supported the creation of a community pub. There had been one in the area which closed a couple of years ago. He couldn't understand why and it was a big loss.

Mr. Raimes stated all he wanted to add was that the intention was that this would be a community based pub not a nightclub. It had previously been owned by the brewery but had now been sold on. As has already been stated it is intended that there will be extensive activities. The application is for sensible hours, closing at 11.00 p.m.

Monday to Thursday with a midnight finishing on Fridays, Saturdays and Sundays. Mr. Irving is right to say there is a need in the area as there are over 1,000 homes close by without any such facility. It is not anticipated that parking will be a problem. There should be sufficient and it is anticipated that the majority of customers will not be driving in any case. Mr. Hall has spoken to the responsible authorities and the extensive conditions offered in the operating schedule reflect this with the majority of conditions being agreed with the police. In particular the eight conditions under the prevention of crime and disorder. It has also been agreed that following the completion of the restoration work they will obtain the approval of Health and Safety at least 24 hours before opening. The cost of the refurbishment is likely to be in excess of £100,000 and the operation of the premises will create between twelve and fifteen jobs. There will be extensive CCTV throughout the premises, both inside and outside and will even extend to covering the bus stop directly outside. Mr. Hall has also agreed to use Graham Security Ltd. Which are approved by the police for all his security needs including the provision of doormen.

Councillor Gibson asked for confirmation with regards to the non standard hours requested and was told that they were seeking to have an extra half an hour on Fridays, Saturdays, Sundays and Mondays at Bank Holiday weekends, Christmas Eve, Boxing Day and on New Years Eve be open from 10.00 a.m. until the terminal hour on New Years Day.(i.e. be able to remain open throughout the night).

Councillor Old asked for confirmation that the smoking area on the downstairs level is covered by CCTV and that nobody would be allowed to take drink into this area and that the door would remain shut to prevent noise escape. Mr. Hall confirmed that this was the position.

In accordance with the Council's procedures adopted for hearings before its Licensing Sub-Committee all parties – the Applicant, Responsible Authorities and interested parties – have been given an equal opportunity to present their respective positions and sum up thence having heard all the evidence.

The Committee, having heard and read all the evidence, have considered all of this in light of the requirement placed upon them in the Act, to promote the four licensing objectives of:

- (1) the prevention of crime and disorder;
- (2) public safety;
- (3) the prevention of public nuisance;
- (4) the protection of children from harm.

The Committee have also had due regard to the Council's own statement of licensing policy and the issued government guidance.

Specifically the Committee has taken into account the following provisions of the Licensing Act 2003:-

Section : 17, 18 and 19

Reasons: These sections deal with the application for a Premises Licence and its determination.

The Committee has taken into account the following provisions of the guidance under section 182 of the Act:

Paragraphs 1.1 to 1.9, 1.27, 2.1 to 2.11, 2.19, 2.32 to 2.40, 8.3 to 8.15, 9.1 to 9.12, 9.19 to 9.28, 10.7 to 10.21, 10.65 to 10.68, 10.73 to 10.79, 13.40 to 13.41.

Reasons: These paragraphs deal with the licensing objectives and aims, the determination of the application and the attachment of conditions.

The Committee has taken into account the following provisions of its statement of licensing policy:

Paragraphs 4, 6, 9, 10, 11, 13, 16, 17 and Appendix 1.

Reasons: These paragraphs deal with the issues being considered in the application.

The Committee have decided in respect of this application having regard to the licensing objectives:-

(i) Prevention of Crime and Disorder

There have been no representations from the Police. This is a new application with no connection to the previous operation as such there is no evidence that this applicant will not run these premises in an appropriate manner promoting the licensing objectives. To claim otherwise is speculation and not something we could base a discussion on. The one interested party who attended the hearing has changed his position and now supports the granting of the application which he feels will be a benefit to the community.

(ii) Public Safety

As per crime and disorder

(iii) Prevention of nuisance

As per crime and disorder

(iv) Protection of children from harm

As per crime and disorder

1. RESOLVED that the Committee have decided to grant the application. This is a new application we are bound by the decision in the Thwaites case. There is no evidence upon which this application could be refused.

The application is granted subject to the following conditions:-

(a) Prevention of Crime and Disorder

As per operating Schedule.

(b) Public Safety (Conditions 43 to 109 in policy)

As per operating Schedule.

(c) Prevention of nuisance (Conditions 110 to 119 in policy)

As per operating Schedule.

(d) Protection of children from harm (Conditions 120 59 131 in policy)

As per operating Schedule.

(Signed) S. OLD,
Chairman.