

LICENSING SUB-COMMITTEE
21st August, 2014

Present:- Councillor Dalton (in the Chair); The Mayor (Councillor John Foden) and Councillor Andrews.

**CLUB/PREMISES CERTIFICATE (LICENSING ACT 2003) -
EASTWOOD VIEW, FITZWILLIAM ROAD, EASTWOOD**

Consideration was given to an application for the review of a premises licence under the provisions of the Licensing Act 2003, in respect of the premises known as the Eastwood View public house (formerly a working men's club), Fitzwilliam Road, Eastwood, Rotherham.

The Licensing Authority received representations which were not withdrawn and the Sub-Committee considered those representations.

The Sub-Committee heard from the Environmental Health Officer and Licensing Enforcement Officer for the Borough Council's Community Protection Unit (applicants for the review) and from local residents and the South Yorkshire Police Licensing Enforcement Officer in support of the application. Members also heard from Mr. G. Seaton, the premises' licence holder and designated premises supervisor.

The Licensing Enforcement Officer for South Yorkshire Police submitted a written record of incidents as part of the Police representation in support of the review. The representatives of the Community Protection Unit (review applicants) stated that the Eastwood View public house was operating in a way which had caused public nuisance, distress and disturbance to the local residents. In spite of enforcement officers' regular contact with the management of the premises and advice issued on numerous occasions about how to reduce and resolve complaints, there had been a consistent lack of co-operation by the premises' management, with the Council, as well as a poor attitude with regard to the management responsibilities.

A body of evidence was presented about the premises, summarising four main issues:

- : noise from loud music
- : noise from a dog barking loudly and constantly
- : noise from shouting and swearing
- : smoke nuisance from a log burning stove

The first official complaint had been received on 7th October 2013 and noise nuisance had been witnessed on 22nd February 2014 and also during early March 2014. Noise abatement notices were served on the premises and on the premises' owner, requiring the loud music to be abated immediately. There was a very old noise limiter in the large hall of the premises, although this had not been used for some time. Ventilation

fans were possible points of noise leakage from the premises. A further statutory noise nuisance was witnessed by the Council's out-of-hours staff on 19th May, 2014. Several notices had been served on the premises' management in relation to disturbance and noise from a barking dog and shouting and swearing from customers. A wood-burning stove had been installed at the premises; however, until further modification, the device was in contravention of Part J of the Building Regulations.

The Sub-Committee heard from local residents, all of whom had maintained written records of considerable noise nuisance emanating from the premises, as well as an incident of intimidation from a customer of the premises.

Mr. Seaton referred to his history of management of the premises and also as designated premises supervisor, under the control of a business partner. He referred to the drafting of action plans about the premises management, although the plans had never been formally agreed with the local authority. He further explained that some of the troublesome customers had been barred from entering the premises and that several of the issues and conditions within the action plans were now being complied with. Mr. Seaton considered therefore considered that the management of the premises was now satisfactory.

The Sub-Committee accepted the evidence that there had been substantial public nuisance (noise) and anti-social behaviour at the premises and considered that the premises licence holder and Designated Premises Supervisor had demonstrated that he was incapable of operating licensed premises within the terms and conditions of any licence and within the terms of the four licensing objectives.

Resolved:- That the premises licence in respect of the premises known as the Eastwood View public house, Fitzwilliam Road, Eastwood, Rotherham, be revoked.