

Licensing Sub-Committee

A meeting of the Licensing Sub-Committee was held on Wednesday, 8th February 2006.

Present: Councillors Leonard, Leckonby and Woodhead.

Officers: C Snowdon, D Jobson, G Jardine (DNS), J Nertney (LD). M Hodgson, Cleveland Police, J Smith, Barrister representing Cleveland Police

1010 Appointment of Chairman

RESOLVED that Councillor Leonard be appointed Chairman for this meeting only.

1011 Old Billingham Community Centre, East Avenue, Billingham Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence under Schedule 8 of the Licensing Act 2003

Members were informed that the Licensing Officers had been unable to contact anyone at the centre to obtain a name of who was actually making the application and who would be named on the licence. Colin Snowdon from Environmental Health had also been unable to make contact with anyone from the centre regarding conditions. No one from the centre attended the hearing although two objectors did attend. This therefore caused some concern to the Committee as they were unable to obtain any clarification of the actual intentions for the premise.

Members felt that the application had not been duly made at this time as further information was required from the Applicant. Members therefore felt that the matter be deferred to allow Licensing Officers to ascertain the named individual and advise them that they should attend Committee.

RESOLVED that the application be deferred.

1012 15 Station Road, Billingham Application under Schedule 8 of the Licensing Act 2003 - Application for a premise licence under Schedule 8 of the Licensing Act 2003

The Committee gave consideration to the report, the application and all the representations which had been received. The Committee noted that a representation had been received from five persons 'living within the vicinity of the premises', The Police had also made a representation. A representation had been made by the Planning Department and the Environmental Health Officer.

Miss Smith, on behalf of Cleveland Police, explained that the Applicant had agreed to amend his application for the provision of late night refreshment to cease at 00:00 and the premises to be closed to the public at 00:15. It was noted that there will be no members of the public present on the premises after 00:15.

After discussions with the representative from Cleveland Police the Applicant had also agreed to conditions that would be placed on the licence if granted by committee.

The Committee noted that a representation had been received from five persons living within the vicinity of the premises, none of these persons were in attendance. The Committee had regard to their written representations and noted that the main concern was if the premise opened till 04:00. It was noted that the application had now been amended to 00:00 with the premise been closed to the public at 00:15.

The Planning Officer stated that the planning permission currently in force at the premises restricted the hours of operation from 11:30 to 14:00 and 18:00 to 23:30 hours Monday to Saturday and at no time on a Sunday. If this application was granted the Applicant would be in breach of his planning permission and liable to prosecution under the Town and Country Planning Act.

The Environmental Health Officer had initially submitted a representation and had agreed a number of conditions with the Applicant which would be placed on the premises licence if granted by the Committee.

Mr Snowdon confirmed that these conditions would address the concerns that had been expressed in the representation.

The applicant had nothing to add to the application and it was noted that he had reduced the hours sought dramatically and agreed to conditions as requested by Cleveland Police and the Environmental Health Officer. The applicant also confirmed that he was aware of the current planning restrictions on the premise.

RESOLVED that the application be granted for the hours requested as detailed in the agreement reached between the Applicant and Cleveland Police. The Committee also attached the conditions as agreed by the Environmental Health Officer, Cleveland Police and the Applicant.

The provision of Late Night Refreshment for the following hours:-

- Monday to Sunday 23:00 to 00:00 with the premises to be closed to the public at 00:15

The Committee noted that the requirements for late night refreshment only applied after 23:00 hours. It was noted from the application that the premises intended to open for business on the following days and times:-

Monday to Sunday: from 10:00 to 00:15

The Committee also attached the following conditions to the grant of the licence, namely:-

1. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.
2. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
4. Have appropriate systems in place to control pest infestations, such as a pest control contract.
5. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.
6. The use of the rear yard of the premises should be limited to 23:00 to prevent noise nuisance affecting nearby premises.
7. Carry out weekly checks of the drainage system to ensure that both the grease filter and the drains are maintained and operating so as to allow free flowing disposal of wastewater. All wastewater from the premises shall be disposed of through a grease filter. Waste oil will be removed from the premises in containers for proper disposal and not through the drainage system.
8. A colour digital CCTV system be installed and maintained. Recordings will be kept for one calendar month and will be made available to the Police and Local Authority upon request. Only management will be allowed access to the system. The CCTV to be installed by the end of March 2006.

The Committee noted that the Applicant would be in breach of planning consent if he opened on the hours granted under the Licensing application. The Applicant is advised that he must obtain the appropriate planning permission before opening on the hours granted.

The Committee noted that mandatory conditions under the Licensing Act 2003 would be attached to the licence. It was also noted that the steps set out in the Applicants Operating Schedule at Section P of the application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted.

**1013 New Moon Pizzeria, 55 The Green, Billingham
Application under Schedule 8 of the Licensing Act 2003 - Application for a
premise licence under Schedule 8 of the Licensing Act 2003**

The Committee gave consideration to the report, the application and all the representations which had been received. The Committee noted that a representation had been received from two persons 'living within the vicinity of the premises', Mrs Crawford, a resident of Church Road, was represented at the meeting by Councillor Mrs O'Donnell. The Police had also made a representation. A representation had been made by the Environmental Health Officer.

Miss Smith, on behalf of Cleveland Police, explained that the Applicant had agreed to amend his application for the provision of late night refreshment to cease at 00:00 and the premises to be closed to the public at 00:15. It was noted that there should be no members of the public present on the premises after 00:15.

After discussions with the representative from Cleveland Police the Applicant had also agreed to conditions that would be placed on the licence if granted by committee.

The Committee noted that a representation had been received from two persons living within the vicinity of the premises, namely two residents of Church Road. Councillor Mrs O' Donnell appeared on behalf of Mrs P Crawford. The Councillor explained that there is a large amount of anti social behaviour within the vicinity of the premises. The drains have previously overflowed into the adjoining premises. The prospect of the premises opening till 04:00 was the main concern but it is noted that the premises will now be closed to the public on or before 00:15. The Committee also had regard to the written representation of Mr N McAndrew who was not in attendance at the meeting.

The Environmental Health Officer had initially submitted a representation and had agreed a number of conditions with the Applicant which would be placed on the premises licence if granted by the Committee.

Mr Snowdon confirmed that these conditions would address the concerns that had been expressed in the representation.

Mr Mohammed Hassan, one of the Applicants, stated they have access to sanitation provision under a lease with the Club above the premises. He also owns a further food premise a few hundred yards away. He has a contract with an oil company who collects any waste oil from the premise. Any waste that goes into the pipes is collected in a grease filter. The last time the premise had a problem with the drains was approximately 8-9 months ago. Mr Hassan is happy to comply with the conditions as requested by the Environmental Health Officer.

RESOLVED that the application be granted for the hours requested as detailed in the agreement reached between the Applicant and Cleveland Police. The Committee also attached the conditions as agreed by the Environmental Health Officer, Cleveland Police and the Applicant.

The provision of Late Night Refreshment for the following hours:-

- Monday to Sunday 23:00 to 00:00 with the premises to be closed to the public at 00:15

The Committee noted that the requirements for late night refreshment only applied after 23:00 hours. It was noted from the application that the premises intended to open for business on the following days and times:-

Monday to Sunday: from 10:00 to 00:15

The Committee also attached the following conditions to the grant of the licence, namely:-

1. Any odours created from cooking on the premises shall be adequately vented and/or provided with odour control so that they do not cause a nuisance to nearby premises.
2. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
4. Have appropriate systems in place to control pest infestations, such as a pest control contract.
5. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.
6. The use of the rear yard of the premises should be limited to 23:00 to prevent noise nuisance affecting nearby premises.
7. Carry out weekly checks of the drainage system to ensure that both the grease filter and the drains are maintained and operating so as to allow free flowing disposal of wastewater. All wastewater from the premises shall be disposed of through a grease filter. Waste oil will be removed from the premises in containers for proper disposal and not through the drainage system.
8. A colour digital CCTV system be installed and maintained. Recordings will be kept for one calendar month and will be made available to the Police and Local Authority upon request. Only management will be allowed access to the system. The CCTV to be installed by the end of March 2006.

The Committee noted that mandatory conditions under the Licensing Act 2003 would be attached to the licence. It was also noted that the steps set out in the Applicants Operating Schedule at Section P of the application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted.

**1014 Thornaby Mini Market, 31 Havelock Street, Thornaby
Application under Schedule 8 of the Licensing Act 2003 - Application for a
premise licence under Schedule 8 of the Licensing Act**

The Committee gave consideration to the report, the application and the anonymous representation which had been received.

The Committee noted that an anonymous representation had been received. The representation raised issues which were deemed not to be relevant to the licensing application.

Mr Cranney spoke on behalf of the Applicant and stated that at the present time Mr Rehman did not sell alcohol but now needed this licence to supplement his general dealers business. This was a standard application and there was nothing out of the ordinary with the hours requested. The only objection that had been received was anonymous and the Applicant could not be held responsible for controlling the behaviour of members of the public/youths outside his premise.

RESOLVED that to grant the application for the hours requested.

The supply of alcohol between the following hours:-

- Monday to Sunday 06:00 to 23:00 with the premises been open to the public during those hours (Good Friday 08:00 to 23:00 and Christmas Day 12:00 to 15:00 and 19:00 to 22:30).

The Committee noted that mandatory conditions under the Licensing Act 2003 would be attached to the licence. It was also noted that the steps set out in the Applicants Operating Schedule at Section P of the application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted.

**1015 Mini Market, St Peters Road, Stockton on Tees
Application under Schedule 8 of the Licensing Act 2003 - Application for a
premise licence under Schedule 8 of the Licensing Act 2**

Members were informed that Mr Clive Harvard (Solicitor Acting on behalf on the applicant) had requested that this item be deferred.

RESOLVED that the above application be deferred.

**1016 The Lambton Castle, 1 High Street, Stockton on Tees
Application under Schedule 8 of the Licensing Act 2003 - Application for a
premise licence under Schedule 8 of the Licensing Act 2**

Members were informed that as conditions had been agreed with Environmental Health the application had been withdrawn from the agenda.