

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Thursday, 24th August, 2006.

**Present:** Cllr Leonard, Cllr Mrs Nelson, Cllr Roberts

**Officers:** J Nertney(LD); C Llewellyn, M Vaines(DNS).

**Also in attendance:** Mr Chambers(Applicant for Thornaby Ex Services Club), Mr Springthorpe(President of Thornaby Ex Services Club), Mr E Ozen(Applicant for Royal Pizza).

**Apologies:** None.

### **473 Appointment of Chairman**

RESOLVED that Councillor Leonard be appointed for this meeting only.

### **474 Chicken Hotspot, 76 Yarm Lane, Stockton on Tees - Application for a Premise Licence under the Licensing Act 2003.**

The Licensing Officer presented the report to the Committee. Consideration was given to the application as outlined in the report. Members noted that no representations had been received from persons living within the vicinity of the premises. The Committee noted that a representation had been received from Planning Services although the officer was not in attendance. A representation was also received from the Environmental Health section and Mrs Claire Llewellyn was in attendance to make her submissions. Representations were not received from any other responsible authorities/statutory consultees.

Mrs Llewellyn(Environmental Health Officer) confirmed that she had held discussions with the Applicant over her concerns in order to see whether an amicable agreement could be reached on restrictions on the licence and conditions which could be attached to address the potential for nuisance.

Mrs Llewellyn confirmed that she had reached agreement with the Applicant on conditions.

It was noted that planning permission was granted on 14th December 2005 for the premises to operate as a hot food takeaway. A condition was attached to the approval which restricted the hours of opening from 11 a.m. to 12 midnight (11:00 – 00:00). Between these times the premises should be vacated. This condition was attached in the interests of the amenity of neighbouring residents (to prevent public nuisance). If the application was granted the Applicant would not be able to open for extended hours unless he varied his planning consent.

The Applicant was not in attendance.

In considering their decision members were mindful that they needed evidence on which to base their decision.

It was noted that the conditions which had been agreed addressed the concerns of the statutory consultees who had objected to this application.

When considering their decision the Committee had regard to the Statutory

guidance issued under Section 182 of the Licensing Act 2003 and the Councils Licensing Policy.

The Committee noted that the application was now for a restricted number of hours and that conditions had been agreed to address the potential for public nuisance. However the Applicant should not open after 12 midnight (00:00) unless he obtained the approval of Planning Services with regard to his planning permission.

RESOLVED that the application be granted for a premises licence as detailed in the application form and which can be summarised as follows:-

•Provision of late night refreshment between the following hours

Monday – Thursday 23:00 – 00:00

Friday & Saturday 23:00 – 03:00

Sunday

23:00 – 01:00

•The Committee imposed the conditions as detailed below, 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.

The Committee noted that the Applicant should not open after 12 midnight (00:00) between Friday to Sunday unless he obtains the necessary planning approval. The Applicant is at risk of prosecution should he open after 12 midnight. The Applicant is advised to contact the Planning section to discuss this issue.

As well as the conditions placed on the licence by Committee it was noted that mandatory conditions would also be placed on the Licence as detailed under

the Licensing Act 2003. In addition the steps set out in the Applicants operating schedule at Section P of his application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.

**475 Thornaby Ex Services Club, 69 Queens Avenue, Thornaby - Application to vary a Club Premise Certificate Licence under the Licensing Act 2003.**

The Licensing Officer presented the report to the Committee. Consideration was given to the application as outlined in the report. Members noted that two representations had been received from persons living within the vicinity of the premises, these persons were not in attendance at the meeting. A representation was also received from the Environmental Health section and Mrs Claire Llewellyn was in attendance to make her submissions. Representations were not received from any other responsible authorities/statutory consultees.

Mrs Llewellyn confirmed that she had held discussions with the Applicant over her concerns in order to see whether an amicable agreement could be reached on restrictions on the licence and conditions which could be attached to address the potential for nuisance.

Mrs Llewellyn confirmed that she had reached agreement with the Applicant on conditions.

Mrs Llewellyn confirmed that she had relayed the conditions to the two persons who made a relevant representation but that Mr Frank did not wish to withdraw his representation.

It was noted that two representations had been received which complained of general anti social behaviour after closing time and problems with taxis sounding their horns.

The Applicant stated that they had agreed to reduce hours after considering the Polices representation. They had also complied with the request from the EHO with regard to conditions. They had considered some of the issues contained in the representations but as a Club some of them are very difficult to control such as the issue over taxis.

The Applicant stated that the Club was governed by very strict rules and that members are well aware that they should not cause disturbance when leaving the premises.

Last Orders was usually at 23:00 and the premises shut at 23:30. There were rare occasions such as New Years Eve when the premises would stay open longer. However once an act finishes most members leave the premises.

In considering their decision members were mindful that they needed evidence on which to base their decision.

It was noted that the conditions which had been agreed went some way to addressing the concerns of those who had made relevant representations.

When considering their decision the Committee had regard to the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Councils Licensing Policy.

The Committee noted that conditions had been agreed to address the potential for public nuisance.

RESOLVED that the amended application be granted for a premises licence which can be summarised as follows:-

- Provision of regulated entertainment including indoor sporting events, live and recorded music, between the following hours

Monday – Sunday 10:00 - 23:30

- Supply of alcohol between the following hours

Monday – Sunday 10:00 – 00:30 (with the premises been open to members and guests for a further 30 minutes as drinking up time/wind down period)

- The Committee imposed the conditions as detailed below, namely:-

1. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency. Any music played within the premises shall not cause a disturbance at the nearest residential premises. Any music shall be played indoors only.

2. The licence holder or his representative shall conduct periodic assessments of the noise coming from the premises when used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments and shall include, the time and date of the checks, the person making them and the results including any remedial action. All records shall be retained for one year.

3. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when vacating the premises. This should include placing at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles)

4. All live and recorded music shall finish at 23:30

As well as the conditions placed on the licence by Committee it was noted that mandatory conditions would also be placed on the Licence as detailed under the Licensing Act 2003. In addition the steps set out in the Applicants operating schedule at Section P of his application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.

**vary a Premise Licence under the Licensing Act 2003.**

Members were informed that as the conditions had been agreed with the Environmental Health Officer and there were no other representations the item had been withdrawn from the agenda.

**477 Royal Pizza, 127 Dumbarton Avenue, Stockton on Tees - Application for a Premise Licence under the Licensing Act 2003.**

The Licensing Officer presented the report to the Committee. Consideration was given to the application as outlined in the report. Members noted that two representations had been received from persons living within the vicinity of the premises. A representation was also received from Environmental Health Services and Mrs Claire Llewellyn was in attendance to make her submissions. Representations were not received from any other responsible authorities/statutory consultees.

Mrs Llewellyn confirmed that she had held discussions with the Applicant over her concerns in order to see whether an amicable agreement could be reached on restrictions on the licence and conditions which could be attached to address the potential for nuisance.

Mrs Llewellyn confirmed that she had reached agreement with the Applicant on conditions.

It was noted that two representations had been received which complained of general anti social behaviour in the area from youths. There was no evidence that these youths were customers of Mr Ozen. Mr Ozen had informed the Committee that he had spoken to one of the objectors in order to allay her concerns.

The Applicant stated that he had very few customers after 22:00 and mainly concentrated on deliveries after that time. The Applicant stated that he had spoken to his neighbour and was happy to do everything within his power to allay her fear and move on any youths who were causing a problem near to his premises.

In considering their decision members were mindful that they needed evidence on which to base their decision.

It was noted that the conditions which had been agreed addressed the concerns of the statutory consultees who had objected to this application.

When considering their decision the Committee had regard to the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Councils Licensing Policy.

The Committee noted that conditions had been agreed to address the potential for public nuisance.

**RESOLVED** that the application for a premises licence be granted as detailed in the application form and which can be summarised as follows:-

- Provision of late night refreshment between the following hours  
Monday – Sunday 23:00 – 00:00

It was noted that the premises would be open to the public between 16:00 – 00:00

- The Committee imposed the conditions as detailed below, 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.

As well as the conditions placed on the licence by Committee it was noted that mandatory conditions would also be placed on the Licence as detailed under the Licensing Act 2003. In addition the steps set out in the Applicants operating schedule at Section P of his application will also be converted into conditions to be placed on the licence where it is reasonably practicable for them to be converted into conditions.

**478 Shangrilla, 43 Dovecot Street, Stockton on Tees - Application for a Premise Licence Act 2003.**

Members were informed that as the conditions had been agreed with the Environmental Health Officer and there were no other representations the item had been withdrawn from the agenda.

