

## Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Wednesday, 5th July, 2006.

**Present:** Cllr R Rix, Cllr J M Roberts, Cllr B Woodhead

**Officers:** D Jobson, C Llewellyn, G Jardine(DNS); R McKenzie(LD)

**Also in attendance:** M Hodgson, W Grier(Cleveland Police), Mr Lahij(Applicant for Presto Pizza), Mr Moussa(Friend of Applicant for Presto Pizza); Mr and Mrs Atwal(Applicants for Raj Stores).

**Apologies:** None

### **430 Appointment of Chairman**

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

### **431 Presto Pizza, 5 Healaugh Park, Yarm, Stockton on Tees Application to vary a Premise Licence under Schedule 8 of the Licensing Act 2003**

Consideration was given an application to vary a Premise Licence at Presto Pizza, Yarm. A report and all the relevant background papers were circulated to all persons who had made a representation prior to the hearing. The Committee had regard to all written representations. In addition Mark Hodgson from Cleveland Police, Warren Grier, Barrister for Cleveland Police, Grahame Jardine, Planning and Claire Llewellyn, Environmental Health Officer were in attendance to state their case. Also in attendance were Mr Lahij, Applicant and Mr Moussa, his friend for support.

Mr Grier explained to the Committee that Cleveland Police had no objections to the current opening hours however it was their case that extending the hours would lead to further crime and disorder. Mr Grier explained that between the 1 October 2005 and the 30 April 2006 there were 75 reported incidents, 55 related to disorder involving youths and seven specifically related to Presto's Pizza. The incidents included the playing of loud music and noise from vehicles within the car park screeching and breaking. The Police stated there were many incidents of crime and disorder reported within this area and should the application be granted this would be the only premise that was open during those hours. The public house situated near by closes at 11 pm. Therefore Presto's Pizza would act as a magnet to others in the area to cause disorder.

The Committee were informed that Presto's Pizza were not abiding by the existing licence conditions. Officers from Cleveland Police undertook a test purchase on the 7 and 8 February after the hours of 12.30am and were served hot food. A formal letter was sent to Presto's Pizza informing them of the breach. Mr Lahij received a formal caution following further breaches of his licence on the 23 February 2006. Mr Hodgson confirmed however that the Police had undergone checks of the premise since the last committee hearing and it appeared that the premise was not opening past the existing licensing hours. Mr Grier concluded by stating that the hours should not be extended when the Applicant was frequently breaching existing licensing hours.

Claire Llewellyn on behalf of the Environmental Health Department stated that she recommended the application be refused, as it would lead to an increase in public nuisance. Miss Llewellyn explained to the Committee that 2 am closing time was inappropriate and noise would be created from customers visiting the premise. Miss Llewellyn also informed the Committee that the department had received a complaint regarding the disposal of refuse and that any increase in hours would lead to an increase in waste.

Mr Jardine explained to the Committee that the existing planning conditions meant that the premise could open between 7 am till 11 pm. These conditions were imposed as to open past these hours would be detrimental to local amenities and residents. However the premise had been opening past 11 pm despite warning letters sent to the Applicant. Mr Jardine explained that following the continued breach of the planning conditions a breach of condition notice had been served on the 16 June 2006.

The Committee requested further information regarding the incidents of crime and disorder which had occurred at the premise and Cleveland Police provided a breakdown of the incidents which specifically related to the premise. The Applicant explained that regarding the problem with refuse this occurred over a bank holiday when their contractor failed to collect their bins.

The Committee requested the Applicant to present their case.

The Applicant stated that due to a leasehold agreement he was unable to open the shop until 4 pm. He stated the hours of opening were not enough to enable the Applicant to pay his rent. The Applicant confirmed that he was aware of the terms of the lease when he signed it. Mr Lahij also stated that within the three years that he had worked at the premise there had been no trouble with customers and that the trouble occurs within the car park.

Mr Moussa explained that regarding the allegations that delivery people were selling alcohol to youths, the delivery drivers were Muslims and were not allowed have any dealings with alcohol as it was against their religion.

Mr Lahij further contended that he was unaware the premise was unable to open until 11 pm as the premise licence granted the hours until 12 am. Mr Lahij failed to answer when questioned why the premise had been open later than 12 am if he was under the impression that this was the closing time. Mr Lahij also stated that he did not receive previous letters warning him of the breach of opening hours from planning or the police.

All parties were then asked to provide a summary of their case.

After considering the representations made the Committee refused the application to vary the premise licence. The Committee took into consideration the representations made by Cleveland Police regarding crime and disorder and noted that the applicant had failed to address any concerns regarding Cleveland Police and how the Applicant intended to promote the licensing conditions. The Committee considered whether any conditions could be imposed to promote the licensing conditions but felt that the Applicant had demonstrated that he would not adhere to conditions imposed. Furthermore it would require a high level of enforcement by agencies such as Planning, Environmental

Health and Cleveland Police in order to ensure compliance. The Committee were of the opinion that the increase in hours would lead to an increase in crime and disorder and an increase in public nuisance.

The Committee noted the representations made by Environmental Health and agreed that extending the licensing hours would lead to an increase in waste and suggested the Applicant obtain another container to avoid any further complaints regarding waste.

The Committee emphasised that the closing time for the premise was 11 pm and stated the planning conditions must be adhered to.

RESOLVED that the application to vary the Premise Licence at Presto Pizza, Yarm be refused.

**432 Raj Stores, 2 Centenary Crescent, Norton, Stockton on Tees  
Application for a Premise Licence under Schedule 8 of the Licensing Act  
2003**

Consideration was given to an application to vary a Premise Licence at Raj Stores, Norton.

A copy of the application detailing the hours was circulated to all persons who had made a representation prior to the hearing. The Committee had regard to all written representations. In addition the Applicants Mr and Miss Atwal were in attendance to state their case.

Mr Atwal explained that the business had been running for over a year and that he had installed wall shutters and digital CCTV which would be available to the police upon request. Mr Atwal explained that he had listened to the needs of the public and as a result installed a pay point system and made provision for the sale of newspapers. Mr Atwal stated that he wished to promote his business as a convenience store and not as an off licence which was reflected in his hours of opening. The Committee were informed that the shop was located on a housing estate and therefore the hours reflect customer needs. Mr Atwal emphasised that as a business they understood the need to sell alcohol responsibly. Furthermore in relation to their business in Darlington following a visit by Trading Standards they successfully refused the sale of cigarettes and petrol gas to those underage. They had also received a letter from the Police congratulating them in their refusal of sales.

In relation to the representation made Mr Atwal explained that he visited the individual and explained the licence. The Applicant who was a local resident was informed that should the shop wish to open any later than 7 pm then another application would need to be submitted to the Licensing Authority.

The Committee were informed that the CCTV camera covered all of the internal shop, however due to privacy laws the camera could not look into the road. Mr Atwal also stated that he had been negotiating with the Council to have installed near to his shop waste bins that cannot be moved. Mr Atwal stated that spirits and wines would be placed behind the counter and cans would be placed within

the fridge.

The Committee took into consideration that the resident who had submitted a representation had expressed concerns regarding anti social behaviour which occurred beyond the vicinity of the premise. Furthermore, none of the concerns raised specifically related to Raj Stores. The Committee were content that these steps proposed by the Applicant would promote the licensing objectives and therefore the application for a premise licence was granted.

RESOLVED that the application for a Premise Licence be approved subject to the conditions stated below:-

1. Supply of alcohol - Monday to Saturday 9:00am - 7:00pm  
Sunday 9:00am - 2:00pm
2. Hours premise are open to the public - Monday to Saturday 9:00am - 7:00pm  
Sunday 9:00am - 2:00pm
3. The steps contained in Section P of the application form would be converted into conditions.
4. Mandatory conditions as detailed within the Licensing Act 2003 would also be attached to the Licence.

**433      The Falchion, 56 Yarm Lane, Stockton on Tees  
Application to vary a Premise Licence under Schedule 8 of the Licensing Act 2003**

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

**434      Hardwick Social Club, 80 Harrowgate Lane, Hardwick, Stockton on Tees  
Application to vary a Club Premise Licence under Schedule 8 of the Licensing Act 2003**

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

**435      Taste of India, Prince Regent Street, Stockton on Tees  
Application for a Premise Licence under Schedule 8 of the Licensing Act 2003**

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

