

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Friday, 20th November, 2009.

Present: Cllr Jean Kirby, Cllr Maurice Perry and Cllr Bill Woodhead.

Officers: M Vaines (DNS); J Nertney (LD).

Also in attendance: None.

Apologies: None.

**LSC
22/09** **Appointment of Chairman**

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

**LSC
23/09** **Declarations of Interest**

There were no interests declared.

**LSC
24/09** **Omar Indian Cuisine, 32-34 Norton Road, Stockton on Tees**

Application for Grant of a Premise Licence under the Licensing Act 2003

The Chairman introduced all persons who were present and explained the procedure to be followed during the hearing.

The Licensing Officer presented the report to the Committee. Consideration was given to the application as outlined in the report. Members noted and gave consideration to the two representations that had been received from persons living within the vicinity of the premises. It was noted that Cleveland Police and Environmental Health had withdrawn their representations after agreeing conditions with the Applicant.

As Mr Davies was not in attendance the Committee had regard to the application form and noted that conditions had been agreed with responsible authorities.

As neither of these persons were in attendance at the meeting the Committee had regard to the two representations which had been received from persons living within the vicinity of the premise.

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

Members had regard to the report and supporting appendices including the two representations from persons living within the vicinity of the premises.

The Committee noted that the Objectors concerns were general in nature and were concerned about what may happen if the application was granted. The Committee were mindful of relevant case law which indicated that resident's fears over an application were not sufficient grounds for refusal. It was noted

that the Police had no objection to the application and there were no statistics before the Committee of crime and disorder in the immediate area.

The Committee noted that there was no evidence of complaints when the premise had been licensed previously. The Committee were therefore minded to grant the application for the hours for which the premise was previously licensed.

The Committee were satisfied that if the application was granted the licensing objectives would not be undermined.

RESOLVED that the application be granted for reduced hours than those requested by the applicant, namely:-

- To grant the application for provision of late night refreshment between the following hours:-

Sunday to Monday: 23:00 to 01:00

Friday and Saturday: 23:00 to 02:00

- To grant the application for the supply of alcohol for an additional hour between the following hours:-

Sunday to Monday: 11:00 to 01:00

Friday and Saturday: 11:00 to 02:00

- To grant the application for regulated entertainment between the following hours:-

Sunday to Monday: 11:00 to 01:00

Friday and Saturday: 11:00 to 02:00

With the premises to remain open for a further 30 minutes as drinking up time/wind down period.

- To attach the following additional conditions to the licence:-

1. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals and for consumption by such persons as an ancillary to their meal. However, an exception is made for persons accompanying those partaking in a meal, so long as the numbers do not exceed 10% of the total number of persons in the premises at any given time.

2. The premises must be fitted with CCTV and recordings must be kept for a minimum of 31 days. It must be maintained in good working order in accordance with the manufacturer's instructions. The system must be recording during the hours the premises is open to the public and recordings must be made available to police and responsible authorities on request.

3. Drinking water must be available for patrons visiting the premises.

4. Any alcohol taken from the premises must be in a sealed unopened container.

5. An incident book must be kept on the premises and maintained at all times.

6. A refusals book must be kept on the premises and maintained at all times.
7. A Challenge 21 policy will be implemented with all staff insisting on evidence of age from any person appearing to be under 21 years of age and who is attempting to buy alcohol. There shall be sufficient public notices displayed at the premises to inform customers and remind staff that the premises are operating a Challenge 21 policy. A current photo style driving and a valid non expired passport are the only forms of proof which will be recognised by the premises.
8. 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 and smoking areas).
9. A noise limiting device shall be provided covering all sound systems which at all times shall operate to the decibel level set by the Environmental Health Unit and shall be maintained in good working order.
10. All sound systems shall pass through the noise limiting device which at all times shall operate at the decibel level set by the Environmental Health Unit and shall be maintained in good working order.
11. 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 played shall be indoors only.
12. 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 and available for inspection by any Responsible Authority.
13. The ventilation and extraction system shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement of any filters.
14. Install and maintain a grease filter to the drainage system.
15. 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.
16. 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.

17. Have appropriate systems in place to control pest infestations, such as a pest control contract.

18. The lighting provided shall be arranged so as not to shine directly towards any dwelling and shall be shielded to prevent light spillage beyond the boundary of the property.

19. A lobby area shall be provided to the rear door. A double door leading to the smoking area with an independent ventilated space shall prevent the escape of music from the premises and smoke ingress. Self closing devices shall be provided to the doors to ensure they remain in the closed position whilst not in use.