

Licensing Sub Committee

A meeting of Licensing Sub Committee was held on Wednesday, 2nd December, 2009.

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

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

Also in attendance: Mr Karim (Applicant); Mr Mason, Millbank Court (Objector).

Apologies: None.

LSC 25/09 Appointment of Chairman

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

LSC 26/09 Declarations of Interest

There were no interests declared.

LSC 27/09 Al Pachinoz Pizza, 7 Nelson Terrace, Stockton on Tees - Application for Grant of a Premise Licence

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 eleven representations that had been received from persons living within the vicinity of the premises. It was noted that Environmental Health had withdrawn their representations after agreeing conditions with the Applicant.

As the premise was within walking distance of the Council Chamber the Members of the Licensing Committee decided to undertake a site visit so they could see how close local resident's properties were to the premise.

Mr Karim (Applicant) said that at the moment his business was very quiet and he would like to offer a better service to their customers. Mr Karim explained that he had been operating the business at the premise since September 2008. Mr Karim stated that his current opening hours are 16:30 – 23:00. Mr Karim stated that he did not believe the residents were been disturbed by his customers as there were many people who visit Arc and park behind his shop. Mr Karim stated that his bins were emptied twice a week by the Council on a Tuesday and Friday.

It was noted that 11 representations had been received from persons living within the vicinity of the premises. Some of the representations received made it clear that they objected to the sale of alcohol at the premise, it was noted that the applicant did not wish to supply alcohol at the premise and the application was solely for the sale of hot food and/or drink for which a licence was required after 23:00 hours.

Mr Mason (Objector) explained that he and the other residents were concerned at the nuisance that would be caused by vehicles coming and going at such a late hour. Mr Mason stated that residents were also concerned at the parking problems in the vicinity.

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 eleven representations from persons living within the vicinity of the premises. It was noted that some of the representations were not relevant as they objected to the supply of alcohol at the premise which was not part of the application.

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. However it was reasonable to assume that if the hours sought were granted the residents could potentially suffer an increase in public nuisance from staff and customers coming and going from the premise in the early hours of the morning. 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 from their site visit that the objectors' properties were in relatively close proximity to the applicants premise and it was reasonable to assume that persons using the premise would park their vehicles on the road to the rear of the premise which was very close to residents' properties.

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 but for reduced hours than those sought by the Applicant as the Committee believed there were reasonable grounds to believe that public nuisance could be caused to residents if the hours sought were granted.

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:-

Monday to Sunday: 23:00 to 00:30

- To attach the following conditions to the licence:-

1. Use appropriate management controls to reduce the likelihood of customers causing noise disturbance to local residents when using the premises.
2. 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.

3. The ventilation and extraction system shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement of any filters.
4. Carry out weekly checks of the drainage system to ensure both the grease filter and the drains are maintained and operating so as to allow free flowing disposal of waste water. 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.
5. 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.
6. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premise shall be cleared of waste food, food containers, wrapping etc at the end of trading on each day. Such refuse shall be placed in 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 unauthorized persons is prevented and arrangements shall be made for regular lawful disposal of their contents.
7. Have appropriate systems in place to control pest infestations, such as a pest control contract.