

Statutory Licensing Sub Committee

A meeting of Statutory Licensing Sub Committee was held on Tuesday, 2nd May, 2017.

Present: Cllr Paul Kirton (Chairman), Cllr Eileen Johnson, Cllr Bill Woodhead MBE

Officers: Jonathan Nertney(DHR, L&C), Polly Edwards(DCE)

Also in attendance: Mr Mohammad Abdul (Premises Licence Holder) and his business partner Mr Shahab Deen. Objectors Mr Reay and Mr Sibly

Apologies: None

**SLS
1/17** **Evacuation Procedure**

The Evacuation Procedure was noted.

**SLS
2/17** **Appointment of Chairman**

RESOLVED that Councillor Kirton be appointed as Chairman for this meeting only.

**SLS
3/17** **Declarations of Interest**

There were no declarations of interest.

**SLS
4/17** **LICENSING ACT 2003
APPLICATION FOR GRANT OF A PREMISE LICENCE
PIZZA & CO, 35A HIGH STREET, YARM, STOCKTON ON TEES**

Members were required to determine an application for the grant of a premise licence for Pizza & Co, 35A High Street, Yarm, Stockton on Tees under the Licensing Act 2003 to which there had been representations from interested parties.

The application for grant of a premise licence had been received from Mr Mohammed Abdul in relation to Pizza & Co, 35A High Street, Yarm.

The applicant had applied for a licence for the following:

Late Night Refreshment Monday to Sunday 23:00 until Midnight

Representations had been received from Interested Parties wishing to object to the application. The representations related to the prevention of public nuisance, prevention of crime and disorder and public safety objectives. Copies were attached at Appendix 2 of the main report.

There were no representations received from any of the Responsible Authorities.

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

Members were respectfully reminded of the need to give due consideration to Stockton Borough Councils Licensing Policy Statement and the Section 182 Revised Guidance issued October 2012 under the Licensing Act 2003 when determining the application.

The Committee gave consideration to the report, the application and the representations which had been received from eight local residents. It was noted that representations had not been received from any other Responsible Authorities and in particular Cleveland Police or Environmental Health.

The Applicants Business Partner stated that the premise was a very small shop and an extra hour of trading was needed to financially support the business. The applicant had a comprehensive operating schedule and CCTV had been installed at the premise. A Security Industry Authority (SIA) licence holder was also on the premise.

The Applicants Business Partner also stated that he was not aware of any issues and had been surprised by the objections to the application. He had taken steps to ensure the immediate vicinity of the premise was clear of any litter. No rubbish was kept on the premise and they had a waste carriers licence which allowed them to move waste themselves.

Eight representations had been received from local residents with the majority from persons living in Hauxwells Yard and Lords Nelsons Yard. The Committee had regard to their written representations which were contained within the main report. The Committee also heard oral evidence from Mr Reay, the partner of Mrs Priestley who resided in Lord Nelsons Yard and Mr Sibly.

The Committee noted that the representations were general in nature and did not provide any detailed evidence that customers of Pizza and Co were responsible for nuisance or anti-social behaviour. Mr Reay had made reference to pizza boxes being left in Lord Nelsons Yard but he had no photographic evidence of this issue.

The Committee were mindful that any evidence to persuade the Committee to refuse or vary the application had to be linked to the licensing objectives.

The Committee noted that this was not a review of a licence but an application to permit the supply of late night refreshment (hot food etc) till midnight (00:00 hours). The legislation required a premises licence if a food business wished to serve hot food or refreshment after 23:00 hours. It was noted that one of the objections was under the misconception that the application was to permit the supply of alcohol at the premises which was not the case.

The Committee also had regard to the application and noted that the applicants operating schedule as to the steps being taken to address the licensing objectives was very comprehensive. The Committee noted that if the application was granted these steps would be converted into conditions to be attached to the licence.

The Committee noted that there were no representations from any of the Responsible Authorities and in particular Cleveland Police or Environmental Health. There was therefore no statistical or other evidence concerning crime

and disorder or public nuisance connected with the premise.

The Committee noted that one of the persons who had made a representation had also e-mailed some copy photographs showing what appeared to be urine and excrement in one of the yards close to the residents homes. It was noted that the photos were not dated nor was it possible to identify the specific location from them. The resident who had sent the photos indicated that they were taken at Lord Nelsons Yard. The Committee were of the view that there was no evidence to demonstrate that the issues shown in the photographs were as a result of the applicants business.

After giving consideration to all of the evidence and representations made both in writing and orally the Committee were of the view that on the evidence before them the licensing objectives would not be undermined and the application as detailed within the report was granted subject to the applicants operating schedule being attached as conditions.

The Committee reminded the Applicant and his Business Partner that from the evidence given to the Committee there was currently a planning condition applicable to the premises restricting the hours of operation until 23:30 hours. Although the Licensing Sub Committee had granted the application the Applicant would need to resolve the planning matter as if he traded till 00:00 he would be in breach of his planning permission.

The Committee wished to remind local residents that should the premise cause issues in the future and they had evidence that it was undermining the licensing objectives then they had the right to seek a review of the premises licence or raise any issues with the Responsible Authorities under the Licensing Act such as Cleveland Police or Environmental Health.

RESOLVED that the Application for grant of a premise licence for Pizza & Co, 35A High Street, Yarm, Stockton on Tees be granted as detailed above.