

Representations On An Application By A Responsible Authority (Form LA10RA)

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Trading Standards & Licensing, PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD
Tel: (01642) 526558 • Fax: (01642) 526584

Representations On A Current Application For A Grant/Variation Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Section 1 – Licence Application Details

Applicant Name (If Known)	Mr Som Emadi
Premises Name and Address	The Dough Box (was) 135-137 High Street Yarm TS15 9AY

Section 2 - Responsible Authority

- Trading Standards
- Cleveland Police
- Environmental Health
- Cleveland Fire Services
- Planning
- Protection of Children From Harm

Section 3 – Representation Grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Prevention of Crime of Disorder <input checked="" type="checkbox"/> Prevention of Public Nuisance <input type="checkbox"/> Protection of Children from Harm <input type="checkbox"/> Public Safety
<p>Please Select:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> I object to the application being granted at all <input type="checkbox"/> I object to the application being granted in its current form* <p>*If you choose this option remember to tell us what changes you would prefer to see.</p>	

**The grounds of the representation is based on the following:
(Please continue on a separate sheet if necessary)**

The Environmental Health Unit are of the opinion that the steps outlined in the application are inadequate to prevent Public Nuisance.

1. The applicant would like to increase the supply of alcohol and music hours from 23:30 to 02:00 every day.

The Environmental Health Unit are of the opinion that this will cause a greater likelihood of public nuisance associated with noise from clients using the premises, prolonged noise and malodour from the kitchen area and extra disposal of waste food and other refuse, such as glass bottles etc. and that there are no additional conditions that will sufficiently abate the nuisances, caused by this application as a result of the proposed extension in opening times.

In addition, condition 8 of Planning consent ref 13/2685/COU states: *The restaurant to which this permission relates shall not be open for business outside the hours of 9am and 12.00 am and the premises vacated by 1am* for the reason: to protect the amenities of the occupants of residential properties in the locality, and Environmental Health Unit would support this planning restriction.

2. The applicant would also like to use the rear yard for restaurant tables up until 21:00Hrs every day.

During the Hearing for this premises on the 13th December 2013, the following condition was attached to the Licence by request of the Committee. *"There shall be no customer access to the rear yard except in the case of emergency exit. There shall be no music played in the rear yard, and no use of flood lighting likely to cause a nuisance to local residential properties."* The reasoning for this decision was because as the attached photographs show the rear yard is overlooked by residential premises with their windows opening directly into this space, making the use of this area for external dining an inappropriate option due to the potential nuisance associated with noise from clients which cannot be abated by additional conditions.

In addition, condition 6 of Planning consent ref 13/2685/COU states: *The rear doors of the ground floor unit shall be kept closed whilst the restaurant is open to customers and only used by customers in the event of an emergency* and condition 7 states: *The rear yard area shall not be used by customers or employees for eating/drinking or smoking purposes and shall be only used as an emergency exit in the event of emergency and for refuse storage purposes and for no other purpose.* For the reason: In the interests of the amenities of the occupants of residential properties in the locality, and again the Environmental Health Unit would support these Planning restrictions.

Continued

Signed: Stephanie Landles	Position: Environmental Health Officer	Dated: 13/06/2017
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The grounds of the representation is based on the following:
(Please continue on a separate sheet if necessary)

3. The applicant would also like to remove the condition restricting drinkers only to be located at the front of the premises.

This condition was initially provided by the Licensing Committee to ensure that this premises maintained its ethos of a family eatery and did not turn into a drinking only establishment. The drinking only area was established so that whilst members of the public were waiting for tables to eat they could start with a little alcoholic refreshment. The Environmental Health Unit object to the removal of this condition to protect the neighbouring residential properties from further detrimental effects.

This premises is located at the northern end of Yarm High Street where there is a significantly higher ratio of residential premises to commercial and as such any changes to their environment has the potential to affect a larger group of the people. So in conclusion the Environmental Health Unit are of the opinion that there are no conditions that will sufficiently abate the nuisances caused by this application and that the proposal will have potential to cause significant Public Nuisance to the residential premises in the vicinity.

Signed: Stephanie Landles

Position: Environmental Health
Officer

Dated: 13/06/2017

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The grounds of the representation is based on the following:
(Please continue on a separate sheet if necessary)



This Photograph was taken in the rear yard and shows the rear door of the premises and the close location of the rear window of the residential premises on the left hand side on both the ground and 1st floor.

Signed: Stephanie Landles	Position: Environmental Health Officer	Dated: 13/06/2017
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The grounds of the representation is based on the following:
(Please continue on a separate sheet if necessary)



This photograph was taken in the rear yard of the premises and shows more windows of the residential premises overlooking and opening directly into this area at both ground and 1st floor level.

Signed: Stephanie Landles	Position: Environmental Health Officer	Dated: 13/06/2017
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Representation On A Current Application For A Grant/Variation Of A Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

It is essential that you provide your full residential address (or business address if you are objecting from a business). Without this information your representation may not be accepted.

Please note that a full copy of your representation (including your personal details) will be sent to the applicant and will be a public document at any hearing of this matter. Summaries of the comments received will also be displayed on our website. You may wish to keep a copy of the completed form for your records.

Section 1 – Licence Application Details

Premises Name and Address	
Please indicate as appropriate:	
<input type="checkbox"/> I wish to object to the application	
<input type="checkbox"/> I wish to support the application	

Section 2 – Your Personal Details

If you are acting as a representative, please go to Section 3	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ward Councillor <input type="checkbox"/> Other: (please state)
Surname	
First Name(s)	
Address (including Postcode)	
E-mail Address	
Telephone Number	

Section 3 – Representative Details

If you represent residents or businesses in the vicinity please complete details below:	
Name of Representative or Organisation	
Address (including Postcode)	

Please indicate capacity:

- Representative of Residents Association
- Ward Councillor
- Parish Council
- MP
- Trade Association
- Other (please specify)

Please supply details of those you represent e.g. residents of The Avenue, TS21 8BP
(please continue on a separate sheet if necessary)

Section 4 – Representation Grounds

<p>The representation is relevant to one or more of the following licensing objectives:</p> <p>Please tick relevant box(es)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Prevention of Crime and Disorder <input type="checkbox"/> Prevention of Public Nuisance <input type="checkbox"/> Protection of Children from Harm <input type="checkbox"/> Public Safety
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Please Select:

- I object to the application being granted at all
- I object to the application being granted in its current form*

*If you choose this option remember to tell us what changes you would prefer to see.

You need to complete the box below as fully as possible. If you do not the Licensing Authority may not be able to assess the relevance of your representation. Please continue on a separate sheet if necessary.

The grounds of the representation is based on the following:
(Try to be as specific as possible and give examples of any evidence you may have e.g. on 1 June I could hear loud music from the premises between 10pm and 1.am. I am concerned that if the premises open until after 2am this will cause a nuisance to me and other residents of the street)

Signed: 	Dated:

When complete this form should be returned to:

Stockton on Tees Borough Council
 Trading Standards & Licensing
 PO Box 232
 16 Church Road
 Stockton on Tees
 TS18 1XD

Email: licensing.administration@stockton.gov.uk

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**Representations On A Current Application For A Grant/Variation Of A Premises
Licence Or Club Premises Certificate Under The Licensing Act 2003**

Section 1 – Licence Application Details

Applicant Name (If Known)	Lost Property
Premises Name and Address	135-137 High Street Yarm Stockton On Tees TS159AY

Section 2 - Responsible Authority

- Trading Standards
- Cleveland Police
- Environmental Health
- Cleveland Fire Service
- Planning
- Protection of Children From Harm

Section 3 – Representation Grounds

The representation is relevant to one or more of the following licensing objectives:	<input checked="" type="checkbox"/> Prevention of Crime and Disorder <input checked="" type="checkbox"/> Prevention of Public Nuisance <input type="checkbox"/> Protection of Children from Harm <input type="checkbox"/> Public Safety
Please tick relevant box(es)	
Please Select: <input checked="" type="checkbox"/> I object to the application being granted at all <input type="checkbox"/> I object to the application being granted in its current form* *If you choose this option remember to tell us what changes you would prefer to see.	

The grounds of the representation is based on the following:

(Please continue on a separate sheet if necessary)

Cleveland Police make the following representations:

This is a variation to an existing premises licence which currently has hours for the sale of alcohol of 09:00hrs – 23:30hrs, Monday – Sunday with the opening hours 09:00hrs – 24:00hrs Monday – Sunday.

The applicant, Som Emadi, wishes to extend the hours for the sale of alcohol, the provision of late night refreshment, the provision of recorded music and the opening times until 02:00hrs, Monday – Sunday, as well as being able to use the rear yard for restaurant tables until 21:00hrs and also wants to remove the condition that limits those only drinking and not eating to be able to consume alcohol in any part of the premises and not just the bar area as the licence permits at this time.

Cleveland Police have serious concerns with this application as it is effectively extending the hours of operation and wanting to have the consumption of alcohol everywhere within the premises.

This premises is marketed as a restaurant which was conditioned as such when the original application was made but the licence allowed a number of persons to consume alcohol without having a table meal.

Asking for the removal of the condition prohibiting persons from the rest of the premises is one step towards a vertical drinking establishment and whilst the numbers of persons drinking is still limited, this is closer to having another 'Bar' on the High Street?

Cleveland Police also have reservations about the running of this premises and whether the applicant can be trusted to operate within the premises licence given his previous history of licence breaches at this premises.

In 2014 a joint visit was carried out at the premises by Stockton Council and Cleveland Police where the conditions were checked.

Numerous breaches were found and the premises had no CCTV system fitted even though it was a condition on the licence.

Mr Emadi was later interviewed regarding this and admitted the offence where he was given a warning.

In February 2015 the premises was open after its permitted hours following a visit from an officer from Stockton Council.

Information has been sent to Cleveland Police regarding the premises claiming that after hours drinking is still continuing.

Police have reservations about this application and believe if granted it will lead to the licensing objectives being undermined.

The High Street in Yarm has numerous licensed premises and suffers from drink fuelled crime and disorder and with later opening hours the potential for further incidents will surely increase.

This will have a negative impact on already stretched Police resources to the detriment of other areas within the borough of Stockton.

This premises, whilst situated on the High Street has numerous residential properties nearby. Stockton Council's licensing policy states 'New or variation applications for the supply of alcohol for consumption on the premises before 9:00am or after 11:30pm (12 Midnight on a Friday and Saturday night) in residential areas will normally be refused.

In the event that this application is granted, can I request the following condition be placed on the licence?

1, A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation.

CCTV will be capable of providing pictures of **evidential quality** in all lighting conditions, particularly facial recognition.

Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.

There will be a minimum of 31 days recording.

The system will record for 24 hours a day.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.

The Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime.

Signed: James Johnson	Position: Licensing officer of Cleveland Police	Dated: 21/06/2017
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