

**LICENSING SUBCOMMITTEE  
(2003 ACT)**21 November 2005  
10.10am –11.30am

**Present:** Councillors Boyce (chair), Bailey and Benstead.

**FOR THE INFORMATION OF THE COUNCIL****05/licE/ Election Of Chair**

Councillor Boyce was elected Chair for the meeting.

**05/licE/ Apologies**

All members were present.

**05/licE/ Declarations Of Interest**

Councillor Boyce declared a personal interest in the Carlos Charcoal 05/licE/ and Bosphorus Marigal 05/licE/ as he used to live near Mill Road and knew 1 or 2 residents but did not consider his interest to be prejudicial.

**05/licE/ Procedure To Be Followed**

The procedure for hearings of the subcommittee was noted.

**05/licE/ Carlos Charcoal Grill, 70 Mill Road**

Present: Mr Biggs, Mrs Elliott, Mrs Shoemith, Ms Oakes, Mr Gawthrop, Mr Crossley, Mr Browne, Mrs Landgraf, Miss Goodwin, Mr and Mrs Hantreymoore, Dr Duhig, Ms Alai, Ms Wilson, Mrs Stow (objectors).

Preliminary matters

The Sub-Committee noted that the applicant was not present and decided to continue in his absence as he had been notified of the date and time of the meeting and had not said he could not attend.

No other persons were to appear at the hearing other than the residents.

There were no representatives from any responsible authority.

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee. The applicant was applying for a new licence for a well-established business.

Interested Parties

- Ms Tessa Elliott complained about the dirtiness of the place caused by wrappings, bottles, overflowing bins, etc.

- Mrs Sabba Ali complained about noise, customers parking on double yellow lines, sleep disturbance, the noise of taxis, take-away customers sitting down on her threshold and all the annoyance caused during the take-away opening hours to 1.00am.
- Mr Frank Gawthrop advised the Sub-Committee that this was the second time the owner had applied for a licence until 3.00am and considered that the closing time of 12.00a.m, was a good compromise.

The residents complained about taxi drivers using the premises as a rendezvous, especially in the summer, parking on yellow lines, with the windows and doors opened. He said he had written to Selwyn Anderson who had replied that, after a meeting with the local taxi firms, the police and the owner of Carlos Charcoal Grill, the problem had been resolved. . It had not been as there was still parking on double yellow lines especially in the summer.

Mr Frank Gawthrop also raised the following points:

1. Rubbish in Glisson Road: overflowing bins and was a public nuisance and safety issue.
2. Planning: the residents did not notice the planning application for the premises as only the owners of the next-door property were notified.
3. Public nuisance: these premises are located in Mill Road, a commercial and business road in a residential area, where, there are small terraced houses which open directly onto the street and, therefore, any noise produced on the pavement is noticed immediately in the houses.
4. Vandalism: drunken people coming from the centre of town to the take-away caused damage to vehicles. This damage had not been reported, as the residents thought that there was no point.
5. The cumulative effect caused by so many take-aways and businesses.
6. Reiteration that the previous licence was a good compromise as the premises closed at 12.00a.m.

At this point, the Chair encouraged the reporting of incidents relating to particular businesses. In some of the letters specific incidents were mentioned and these were given more weight than reference to general disturbance in Mill Road. He also advised that the Sub-Committee had no authority to enforce taxi licences.

The Sub-Committee adjourned to consider the application with the advice of the solicitor to the Sub-Committee.

#### The Decision:

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee orally and in writing, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003.

In this case, the Sub-Committee has had to balance the interests of the applicants with those of the wider community. We have reached the decision on its individual merits, bearing in mind that these premises are in a mixed commercial and residential area. Accordingly, we have decided:

To grant the application in part only, subject to conditions translated from the applicant's Operating Schedule, which are considered to be necessary for the promotion of the licensing objectives, and the following additional conditions:-

1. Adequate and suitable lidded receptacles must be provided to receive and store refuse from the premises.
2. Receptacles for refuse storage must be maintained in a clean condition.

The additional conditions are imposed pursuant to the licensing objectives to promote public safety and the prevention of public nuisance.

Details of the application:

Provision of Late Night Refreshment

Mon – Sun: 23.00 – 00.00

Hours premises open to the public

Mon – Sun: 23.00 - 00.10

With effect from: The variation to have effect from the 24<sup>th</sup> November 2005.

The Chair informed the meeting of the decision reached by the Sub-Committee and that all parties would receive written notification of the decision, which would include details of the right of appeal against the decision.

**05/licE/ Bosphorus Marigal, 54 Mill Road**

**Present:** Mr and Mrs Hantreymoore , Mr Harding, Ms Wilson, Simon, Mrs Stow, Mr Gawthrop, Mr Crowley, Mr Browne, Ms Landgraf, Mrs Shoemith, Ms Oakes and Ms Wilson (objectors)

Preliminary matters

The Sub-Committee noted that the applicant was not present but decided to continue in his absence as he had been notified of the date and time of the meeting and had not said he could not attend.

No other persons were to appear at the hearing other than the residents.

There were no representatives from any responsible authority.

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee.

### Interested Parties

Mrs Shoesmith raised the point of public nuisance, as the increased hours of business would increase traffic in the area, illegal parking on yellow lines and slamming of doors with a consequent increase in noise and disturbance to young children and people who had to get up early for work.

Mr Crossley complained about litter, noise and disturbance produced late at night. He advocated for a balance between the commercial and residential areas, which would be ruined by drinking, noise, and loud music until 3.00a.m.

Mr Crossley told the Sub-Committee that the owner ran the business well but they needed to strike a balance.

To a question from the Chair, Mr Crossley replied that there was loud music coming from the kitchen and cars parked near the premises late at night.

He also said that loud music from late-night private parties celebrated at the premises could be heard.

Ms Wilson expressed her concern about the following issues:

- Increased noise and disturbance 3.00a.m.
- Parking outside their houses on double yellow lines.
- More litter thrown through their letterboxes.

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Mr Browne expressed his concerns:

- Private parties and music until 3.00a.m or 4.00a.m (The Licensing Officer clarified that the owner was not applying for a music licence).
- Car doors slamming and music from car stereos.
- Late-night revellers.
- His premises shared a party wall.
- The extractor fan was in front of his bedroom window and if that ran until 3.00am it would cause a serious disturbance.

The Sub-Committee adjourned for deliberation until 11.10a.m.

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In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee orally and in writing, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003.

In this case, the Sub-Committee has had to balance the interests of the applicant with those of the wider community. We have reached the decision on its individual merits, bearing in mind that these premises are in a mixed commercial and residential area. Accordingly, we have decided:

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**CHAIR**