

**LICENSING SUBCOMMITTEE
(2003 ACT)**9 January 2006
10.00am to 11.30am

Present: Councillor Dixon (Chair), Blencowe, Coleman

06/lic/1 Apologies

All members were present

06/lic/2 Declarations of Interest

None.

056lic/3 Procedure to be Followed

The procedure for hearings of the subcommittee was noted.

06/lic/4 Minutes

The minutes of the meetings held on 3 October 2005 were confirmed as a correct record

06/lic/5 Application for a New Premises Licence – BLD's Café & Restaurant, Mill Road

Present: It was noted that the applicant was not present. The Planning Department's representative, Mr Wayne Viles was present.

The hearing: The Licensing Officer presented her report and outlined the application being made. A representation had been received from Planning, attached at Appendix B. The proposed opening hours contravened the planning condition which was imposed to protect the amenity of nearby residential properties.

The Planning Enforcement Officer spoke to the representation, which was based on the application for the opening hours until 2.00am at the weekend. Under the Change of Use granted in 1996 a further application for a variation of planning conditions would be required.

In the absence of objections by interested parties a later opening time might be acceptable.

Councillors discussed the application in the light of those concerns and others that had been expressed by interested parties.

The Decision: In reaching the decision on the application the Subcommittee considered the material presented, the written representations made, the Council's Statement of Licensing Policy and the Statutory Guidance under the Licensing Act 2003.

It was decided:

To grant the application in part in order to promote the prevention of public nuisance, subject to conditions translated from the Applicant's Operating Schedule and an additional condition to promote the prevention of public nuisance:

'Recorded Music is to be in the form of Background Music only and provided via tapes/CD/Vinyl/iPod etc for the benefit of diners. This will be kept to a background level so as not to disturb neighbours.'

Details of Variation:

The sale or supply of alcohol (on the premises):

| | |
|---------------|----------------|
| Sun to Thurs: | 10.00 to 23.30 |
| Fri to Sat: | 10.00 to 00.00 |

Hours premises open to the public

| | |
|---------------|----------------|
| Sun to Thurs: | 10.00 to 00.00 |
| Fri to Sat: | 10.00 to 02.00 |

Recorded Music (indoors)

| | |
|---------------|----------------|
| Sun to Thurs: | 10.00 to 00.00 |
| Fri to Sat: | 10.00 to 02.00 |

Provision of Late Night Refreshment

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|---------------|----------------|
| Sun to Thurs: | 23.00 to 00.00 |
| Fri to Sat: | 23.00 to 02.00 |

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

06/lic/6 Application to Vary Premises Licence – international Food Store, 96 Mill Road

Present: Mr E Gezer (The Applicant), PC Sinclair (Responsible Authority: Police), PC Rayborne (Streetlife Officer), Jo Outremore, R Biggs and Frank Gawthrop (Interested Parties)

The Licensing Officer presented her report and outlined the application being made. One representation had been received from a Responsible Authority, the Police. The Streetlife Officer for the Mill Road area made a further representation. The Police Licensing Officer spoke to the application and said that it was their view that the grant of the variation as applied for would exacerbate the problems currently being experienced in Mill Road.

One hundred and twenty three representations had been received from interested parties living in the area, including Mawson Road, Mill Road, Perowne Street, Willis Road, Mackenzie Road, Guest Road, Emery Street, Tenison Road, Lyndewode Road, St Barnabas Road, Glisson Road and Covent Garden. The Licensing Officer said that on approaching these residents, they had expressed their wish for Mr F Gawthrop, the Secretary of the Glisson Road Residents' Association to represent them at the meeting.

Mr Gawthrop spoke to the application and of the residents concerns over the addition of a further off-licence to those already operating in the Mill Road area. The opening times until 4.00am would increase the length of time that alcohol would be available to the substance abusers who were attracted to Mill Road.

Members discussed the application and noted that the applicant, whose first language was not English, found it difficult to respond to their questions. The Licensing Officer confirmed that all applicants were informed that they could be represented at the hearings.

Councillors discussed the application in the light of the concerns expressed by the interested parties and a Responsible Authority.

The Decision: In reaching the decision on the application the Subcommittee considered the material presented, the written representations made, the Council's Statement of Licensing Policy and the Statutory Guidance under the Licensing Act 2003.

It was decided:

To reject the variation application in its entirety. The Sub-Committee felt it necessary to reject the application to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

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