

**LICENSING SUBCOMMITTEE  
(2003 ACT)**6 March 2006  
10.00am – 11.50am**Present:** Councillors Blencowe, Hymans, Stuart (Chair).**FOR THE INFORMATION OF THE COUNCIL****06/licA/ APOLOGIES**

None.

**06/licA/ DECLARATIONS OF INTEREST**

There were no declarations of interest.

**06/licA/ PROCEDURE TO BE FOLLOWED**

The procedure for hearings of the subcommittee was noted.

**06/licA/ CARLOS CHARCOAL GRILL, 70 MILL ROAD****Present:** Mr Kahraman (applicant), Mr Rerizani (supporting applicant), Mr Gawthrop (Secretary of Glisson Rd/Tenison Rd Area Residents Association), Ms Shields, Ms Alai, Mr Searle (interested parties), Councillor Bradnack, ward councillor for four residents (three from Mawson Rd, one from Mill St) who had made representations.*Licensing Officer*

The Licensing Officer introduced the report.

Referring to the petitions (paragraph 5.5) the Licensing Officer read out both for the benefit of those present. The petition objecting to the application had 197 signatures, the petition in support 317 signatures.

In answer to a question from the Sub-Committee, the Licensing Officer confirmed that the applicant had been advised of the right of appeal to the Magistrates Court following the decision made by the Sub-Committee in November 2005.

*Applicant*

The following points were raised during the presentation in support of the application and answering questions:

- The premises was being singled out for earlier closing, properties elsewhere in the locality were open later eg Fagitos (until 3.00am), The Locomotive PH (2.00am for alcohol) and (over the bridge) Mega Meals. This situation was not fair on the applicant.
- Litter problems could not be linked to the applicant's premises; the applicant has been seen personally cleaning the street at 2am and cleaning up rubbish which is not from his shop

- The problems with noise have not improved since November when the closing hours were reduced to midnight. Mill Road is a noisy area with people coming from the City Centre.
- The applicant has been serving the public for 20 years
- No complaints have been received by residents directly opposite. All complainants are from the surrounding streets.
- Nothing in the surveys on vandalism to link to Carlos.
- Taxi drivers did not only go to this premises but were using other places along Mill Road
- The issues of waste disposal and storage raised previously (see conditions imposed by Licensing Sub Committee in November 2005) had been addressed to the satisfaction of the Environmental Health Officer.
- Most of the trade was after 23.00 ('when the pubs shut')
- All food served is halal

### *Interested Parties*

The following points were raised during the interested parties' presentation and answering questions:

- When open late into the night (ie. before the restricted time to midnight closing) the premises was used as an unofficial taxi office and adjacent streets taxi ranks
- Waste food oil is not contained properly for disposal, the rubbish containers are overfull and not managed well
- Leave quietly signs have been removed (bar one)
- Fagitos was at No.6 Mill Road, not close to the application premises (No. 70) and its application had been objected to by residents at the time. The Locomotive had a licence until 2.00am for drinking on the premises which was different to take-away food.
- Midnight closing is a reasonable compromise between business needs and residential amenity
- Prior to the closure at midnight, residents in Perowne Street suffered disturbance from car owners and taxis parking on double yellows (not enforced at that time) and going to and from take-away premises. It has been better since November 2005.
- Disturbance late at night in Mawson Road with cars and general public movement and noise – less vomit on the pavement since November. Resident and the applicant cleans up debris.
- The residents Councillor Ben Bradnack had spoken to had noticed an improvement in relation to noise nuisance since November/December 2005.
- The premises appears to be busy with customers in the daytime as well as at night.
- Doorsign stating open until 03.00 unhelpful – the applicant replied this would be rectified by a signwriter once the application process has been concluded
- Proximity to residential property does not merit trading until 03.00. Most premises in the area close at midnight.

The Sub-Committee adjourned to consider its decision.

### **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. The Sub-Committee reached the decision on its individual merits, bearing in mind that these premises are in a mixed commercial and residential area. Accordingly, it was decided:

To refuse the application to vary the licence to open additional hours from 12.00 midnight to 3.00am.

Reason for refusal: To promote the prevention of public nuisance.

Details of the licence:

Provision of Late Night Refreshment

Mon – Sun: 23.00 – 00.00

Hours premises open to the public

Mon – Sun: 23.00 - 00.10

The Chair advised all parties that they would receive written notification of the decision which would include details of the right of appeal.

The meeting ended at 11.50am

**CHAIR**