

**LICENSING SUBCOMMITTEE
(2003 ACT)**26 March 2007
10.00am to 10.14am**Present:** Councillor Slatter (Chair), C Rosenstiel, Stuart**07/lic/ Apologies**

All members were present.

07/lic/ Procedure to be Followed

The procedure for hearings of the subcommittee set out on the agenda was noted.

07/lic/ Application for a Premises licence: Chicken Cottage, 83A Mill Road**Declarations of Interest by Subcommittee**

No members declared an interest.

Present: Frank Gawthrop, Jane Shoesmith, Barbara Bell (interested parties)

The hearing: The Licensing Officer reported that the applicant had submitted a notice of actions following receipt of notice of hearing, stating that he did not consider a hearing to be necessary for the following reasons: the establishment would be a convenient provider of food to residents when other establishments were shut; and local businesses contributed to rates and provided jobs for local people.

The subcommittee agreed to hear the application in the applicant's absence.

The applicant had applied for a licence for the provision of late night refreshment from 23.00 to 01.00 on Monday-Thursday and Sunday, and from 23.00 to 02.00 on Friday and Saturday. Opening hours would also be extended to these times. Currently the premises was required to close at 23.00.

The subcommittee's decision would have to be made with a view to promoting the key objectives for consideration of the prevention of crime and disorder and the prevention of public nuisance.

Following discussions with the Environmental Protection Manager, the applicant had agreed to conditions, listed at 3.1, for the prevention of public nuisance. These were the provision of adequate refuse receptacles, prominent notices regarding respecting local residents and the restriction of the hours in which the premises could process its waste outside so as not to disturb nearby properties.

Fifty-nine representations had been received from interested parties, including Glisson Road Residents Association. These were attached at Appendix B of the report; however not all matters raised within the letters were relevant matter for consideration under the Licensing Act 2003. Some representations objected to any extension of the opening hours of the premises, whilst others requested that an extension be granted only until 00.00am.

The subcommittee's options were to grant the licence subject to conditions consistent with the operating schedule, modified as necessary, to exclude a licensable activity, or to reject the application.

The subcommittee had no questions at this stage.

There were no representations from responsible authorities.

Frank Gawthrop put the case for the interested parties, referring to

- The most relevant issues to consider were the prevention of crime and disorder and public nuisance.
- Mill Road was a thin strip of commercial development in a densely populated residential area.
- Activity generated by the commercial establishments had a large impact on the residents, who were under constant bombardment from patrons of these establishments.
- The police report for Tenison Road over the last 12 months listed incidents of criminal damage costing over £20. These included the loosening and breakage of railings of a residential property between 11.30pm and 6.30am; the nearside door of a car kicked in; a house door kicked in; wing mirrors knocked off of several cars; a metal stake put through a car window; and a knife cut through the soft-top of a car.
- The incidents listed above were very likely examples of drunken vandalism.
- Some incidents that occur are not reported by residents to police.
- The residents had tried to bring this problem to the attention of the police and Council.
- The noise from people in the streets late at night is disturbing to residents.
- An extended opening time of 01.00am and 02.00am for the premises was excessive and would lead to an increase in crime and disorder in the area. 00.00am was a good compromise.

Jane Shoemith also put the case for the interested parties, commenting that

- Emery Street was used as a through-route for people travelling from the Grafton Centre area to Mill Road, and there was access from the cemetery that was also used for this purpose.
- Ditchburn Place's elderly residents were afraid of the activities on the street late at night.
- Graffiti was a problem on Emery Road.
- Wing mirrors of cars were broken frequently in the area.
- Noise and litter were a problem, and people who worked or returned home from work late at night were afraid of the activities in the area.

Subcommittee members asked the following questions to which interested parties or officers replied (A):

- What evidence existed to link the area's crime problem with takeaways?
A: People going home from the city centre at night would take a detour to Mill Road to buy food, and then use the residential streets as through-routes to other areas of the city, such as Hills Road. People had been seen carrying takeaway food whilst committing acts of vandalism on cars.
- There were other takeaways open after 00.00am already.
A: If this application was granted it would encourage more takeaways to apply for late licences.
- Did the interested parties have any comments on the conditions set out at 3.1?

A: The provision of bins was welcomed, but this was unlikely to make much difference as many patrons ate their food as they walked along, so litter was deposited away from the premises. The provision of clear notices reminding patrons not to disturb residents was also welcomed, but again this was unlikely to make much difference to some patrons. Waste bin storage was to the rear of the premises so was not a problem for residents.

- Did the Licensing Officer know if there was a procedure of checking that notices, as per the condition in 3.1, had been displayed correctly?

A: A Licensing Enforcement Officer would go round to establishments to check that conditions were being adhered to.

- Residents could ask their Area Committee for an environmental improvement grant to be used to provide extra public bins along the through routes.
- The notices referred to in 3.1 could also include a request for patrons to dispose of their litter responsibly.

Summing-up

The interested parties reiterated their request that if a licence is granted, it should not go beyond 00.00am.

The Licensing Officer had nothing further to add.

Subcommittee members adjourned to discuss the application in the light of the representations made by the interested parties.

The Decision: The Chair informed the meeting of the decision reached by the Sub Committee:-

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee orally on behalf of the local residents, and in writing, from the applicant, and including the Council's Statement of Licensing Policy, the Licensing Act 2003 and related statutory guidance and the Human Rights Act 1998.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community. The Sub Committee reached the decision on the individual merits of the application, bearing in mind that these premises will be sited close to residential accommodation. Accordingly, it was decided:

That the following steps would be necessary if the premises were satisfactorily completed in the way proposed in the Schedule of Works and if a premises licence were sought for the premises,

1. To grant the application, save that, the licence hours be restricted as below to promote the prevention of crime and disorder and public nuisance:-

Provision of Late Night Refreshment

Mon – Sun: 23.00 to 00.00

Hours premises open to the public

Mon – Sun: 12.00 – 00.00

2. To impose the conditions set out in the Committee report to promote the licensing objectives, save that, the notices to be displayed at all exits would include "... and to dispose of rubbish responsibly".

The Chair also informed those present that all parties would receive written notification of the decision which would include details of the right of appeal against the decision.

The meeting concluded at 11.03am.