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## LICENSING SUB COMMITTEE C

**A meeting of the Licensing Sub Committee was held on 30 September 2005.**

**PRESENT:** Councillor Rogers (in the Chair); Councillors J A Jones and Morby.

**OFFICIALS:** M Cooper, T Hodgkinson S Morris and S Vickers.

**\*\*ALSO IN ATTENDANCE:** (Present for Agenda Item 4 only)  
Abdul Rehman Zaman – Applicant  
Aslam Zaman – representative

(Present for Agenda Item 7 only)  
D Gee – Club Secretary – Applicant  
D Hall – representative.

**\*\*APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Lancaster and Mawston.

### **\*\*DECLARATIONS OF MEMBERS' INTERESTS**

Councillor B Taylor, Chair of Sub Committee C, had declared a personal interest in relation to consideration of Agenda Item 7 – Application to Vary Club Premises Certificate – Dorman Long Athletic Club. As a result Councillor Taylor was not present at the meeting.

### **APPOINTMENT OF SUBSTITUTES**

Councillor Morby, J A Jones and Rogers were appointed to act as substitutes for the meeting.

### **SUSPENSION OF COUNCIL PROCEDURE RULE NO 10 – ORDER OF BUSINESS**

In accordance with Council Procedure Rule No 10, the Committee agreed to vary the order of business to deal with the items in the following order:

- Agenda item 7 - Dorman Long United Athletic Club
- Agenda item 4 - Kebab Centre, Linthorpe Road, Middlesbrough
- Agenda item 5 - La Casa, 310 Linthorpe Road, Middlesbrough (withdrawn)
- Agenda item 6 - Thorntree Hotel, The Greenway, Middlesbrough.

### **LICENSING ACT 2003: APPLICATION TO VARY CLUB PREMISES CERTIFICATE – DORMAN LONG UNITED ATHLETIC CLUB, OXFORD ROAD, MIDDLESBROUGH – REF NO. MBRO/PRO313**

The Head of Community Protection submitted a report outlining an application to vary the Club Premises Licence for Dorman Long United Athletic Club, Middlesbrough, Ref No. MBRO/PRO313.

#### **Summary of current Licensable Activities:**

Sale by retail of alcohol for consumption on the premises

#### **Summary of current hours of Licensable Activities:**

11.00am – 11.00pm Monday to Saturday  
12noon – 10.30pm Sundays

#### **Summary of proposed variation to Licensable Activities:**

As above plus:

Plays, films, indoor sporting events, boxing or wrestling, live music, recorded music and dancing

#### **Summary of proposed variation to hours of Licensable Activities:**

11.00am – 11.00pm daily (supply of alcohol)  
11.00am – 11.45pm daily (other licensable activities)

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Full details of the Application and the Operating Schedule were attached at Appendix 1 to the submitted report.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

The Applicant was in attendance and confirmed that a copy of the report and the Regulation 6 Notice of Hearing had been received.

The Principal Licensing Officer presented the report which was confirmed to be an accurate representation of the facts by the Applicant.

### **Relevant Representation**

A representation had been received from a local resident objecting to the application to vary the premises licence on the grounds of the prevention of Public Nuisance. The resident was not in attendance to speak in support of the objection however under Section 20 (2) (b) of the Licensing Act 2003 (Hearings) Regulations 2005 the Committee determined to consider the objection.

### **Applicant in Attendance**

The Applicant was represented by the Secretary and a member of the Club. It was confirmed that there was no intention to open the Club beyond 11 pm due to the residential location of the premises. It was also stated that in the past ten years no complaints had been received from either residents or the Police on any issues of public nuisance or noise. In fact the Community Council held their regular meetings in the Club. The Club had been approached by some of the local Forums in connection with the possibility of later closing for special functions but it had been explained that, apart from the usual Christmas extensions, later closing would not be required.

It was confirmed that there were no further questions and those present, other than the representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

Subsequently, all interested parties returned to the meeting whilst the Chair announced the Committee's decision.

### **DECISION**

**ORDERED** as follows:

1. That the Application to Vary the Club Premises Certificate be granted as follows:

11.00am – 11.00pm daily (supply of alcohol)  
11.00am – 11.45pm daily (other licensable activities)

The premises to remain open to the public for an additional half hour following the end of licensable activities.

2. The reasons for the decision were based on the following:
  - i) The application was considered on its own merits taking into account the four licensing objectives of the Licensing Act 2003 and the information contained within the submitted report.
  - ii) Consideration was given to the case presented by the applicant
  - iii) Consideration was given to the written representation from the local resident.
  - iv) Consideration was given to Annex G paragraph 7.38 of the Government Guidance in relation to Public Nuisance.
  - v) Consideration was given to Page 10 paragraph 42 of Middlesbrough Council's Licensing Policy in relation to licensed premises in residential areas.

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**LICENSING ACT 2003 – APPLICATION TO VARY PREMISES LICENCE – KEBAB CENTRE, 263 LINTHORPE ROAD, MIDDLESBROUGH – REF: MBRO/PRO324**

The Head of Community Protection submitted a report outlining an Application for a Premises Licence for the Kebab Centre, 263 Linthorpe Road, Middlesbrough, Ref. No MBRO/PRO324 as follows:

**Summary of Proposed Licensable Activities:**

Provision of late night refreshment.

**Summary of Proposed house for Licensable Activities:**

11.00 pm – 4 am Monday to Wednesday

11.00 pm – 5 am Thursday to Saturday

11.00 pm – 3 am Sunday

The premises consist of a hot food take away. Prior to the introduction of the Licensing Act 2003 the premises had not required to be licensed.

The Licensing Officer presented the report. Full details of the Application and Operating Schedule were attached at Appendix 1.

A representation had been received from Councillor Coppinger, Ward Councillor, on behalf of Gresham Community Council, objecting to the Application for a Premises Licence on the grounds of the prevention of public nuisance. Councillor Coppinger was not in attendance to speak in support of the representation. However, under Section 20 (2)(b) of the Licensing Act 2003 (Hearings) Regulations 2005 the Committee determined to consider the objection.

**Applicant in Attendance**

The applicant, Mr Zaman, was in attendance at the meeting accompanied by his representative (father). It was confirmed that a copy of the report and the Regulation 6 Notice of Hearing had been received and that the report was an accurate representation of the facts.

The Applicant's representative was invited to present the case and to address the representation that had been made.

It was stated that the business had operated for the last two and a half years with the same hours and without any problems of public nuisance. CCTV had been installed with cameras both inside and outside the premises and a 56 day recording system. Bins had been fitted both inside and outside and young children were not served at the premises after 10 pm unless accompanied by an adult. Anyone causing a nuisance in the premises was not served and was asked to leave the shop. The trade was mainly late night customers, people who were working in the town until 3 am, and taxi drivers working late at night.

In response to a Member's query it was confirmed that the digital television system had been installed for a least six months. The Police had visited the premises to check the system but had not attended any incidents of disturbance. The Applicant also confirmed that no complaint relating to public nuisance had been received at the premises from the Community Council. The requirement for a late licence was in order to maintain a viable business operation.

It was confirmed that there were no further questions and those present, other than representatives of the Council's Legal Services and Members' Office, withdrew whilst the Committee determined the application.

Subsequently, all interested parties returned to the meeting whilst the Chair announced the Committee's decision.

**Decision**

**ORDERED** as follows:

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1. That the Application for the Premises Licence be granted for the provision of late night refreshment for the following hours:

11.00 pm – 4 am Monday to Wednesday

11.00 pm – 5 am Thursday to Saturday

11.00 pm – 3 am Sunday

That the CCTV system recently installed be well maintained and that the tapes be kept in a secure place for a minimum of 31 days.

2. The reasons for the decision were based on the following:

- i) The application was considered on its own merits taking into account the four licensing objectives of the Licensing Act 2003 and the information contained within the submitted report.
- ii) Consideration was given to the case presented by the applicant
- iii) Consideration was given to the written representation from the Ward Councillor on behalf of the Community Council.
- iv) Consideration was given to Annex G paragraph 7.38 of the Government Guidance in relation to Public Nuisance.
- v) Consideration was given to Page 10 paragraph 38 of Middlesbrough Council's Licensing Policy in relation to the prevention of nuisance.

**LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE – LA CASA, 310 LINTHORPE ROAD, MIDDLESBROUGH, REF NO: MBRO/PRO351**

A representation had been received from the following Responsible Authority:

- Cleveland Police on the grounds of the prevention of Crime and Disorder.

However, prior to the meeting agreement had been reached with the Applicant and the Operating Schedule in respect of the Application was amended to include an additional relating to CCTV.

Subsequently the objection to the Application was withdrawn and the Licence granted and the Hearing was cancelled.

**LICENSING ACT 2003 – APPLICATION TO VARY PREMISES LICENCE, THORNTREE HOTEL, THE GREENWAY, MIDDLESBROUGH, REF NO: MBRO/PRO347**

Representations had been received from the following Responsible Authorities:

- Cleveland Police on the grounds of the prevention of Crime and Disorder.
- Middlesbrough Council's Environmental Health Officer on the grounds of the prevention of Public Safety
- Middlesbrough Council's Environmental Health Officer on the grounds of public safety.

However, prior to the meeting agreement had been reached with the Applicant and all Responsible Authorities and the Operating Schedule in respect of the Application was amended to include additional conditions.

Subsequently the objections to the Application were withdrawn and the Licence granted and the Hearing was cancelled.