
LICENSING SUB-COMMITTEE C

A meeting of the Licensing Sub-Committee C was held on 7 November 2005.

PRESENT: Councillor B Taylor (Chair), Councillors Lancaster and Mawston.

OFFICIALS: C Arbuthnot, C Barnfather, M Caveney, A Gray and T Hodgkinson

****ALSO IN ATTENDANCE:** M Nevison (Cleveland Police Legal Representative) and P C Simpson (Cleveland Police).

LICENSING ACT 2003 – APPLICATION FOR A PREMISES LICENCE – IQBALS BALTI RAJ, 424A MARTON ROAD, MIDDLESBROUGH – REF NO. MBR0/P0383

Summary of Proposed Licensable Activities:

Provision of Late Night Refreshment

Summary of Proposed Hours of Licensable Activities:

11.00pm – 12 Midnight daily.

Full details of the application and the accompanying Operating Schedule were attached at Appendix 1 of the report.

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

The Applicant had informed the Panel that he would not be attending and the Committee accordingly agreed to proceed under Regulation 20 paragraph 1 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Principal Licensing Officer confirmed that the Regulation 6 Notice had been dispatched to all parties. The Police who were in attendance, confirmed receipt of the Notice.

The Principal Licensing Officer presented the application for a Premises Licence.

Clarification was sought by the Panel on how long the premises had been operating as a hot food takeaway. It was noted that the premises had been operating for approximately three to four years.

It was confirmed that there were no further questions, the Police representative was invited to outline the basis of their Representation.

Relevant Representation

A written representation has been received on 7 October from Cleveland Police who had objected to the application on the grounds of Prevention of Crime and Disorder.

The Police Representative referred to Section 17 of the Crime and Disorder Act 1998 and Annex D of the Guidance relating to the Prevention of Crime and Disorder.

The Representative stated that there had been no history of anti-social behaviour from these particular premises, however, the take-away was situated in a parade of shops where instances of anti-social behaviour had been reported.

It was advised that there was evidence of under reporting of anti-social behaviour within take-away establishments and the Police stated that the Application did not include sufficient provision for the prevention of crime and disorder, there was no mention of CCTV.

Reference was also made to the Department of Culture Media and Sport (DCMS) guidelines Paragraph 5.47 that stated that all parties including the Police and Local Authorities were

expected to work together to prevent crime and disorder. The Police emphasised that the Application was not specific in relation to this objective and requested that CCTV be fitted.

The Panel was advised that CCTV would help protect staff and that it often prevented criminal behaviour by its presence. The request for CCTV was seen as a proactive rather than reactive approach in dealing with crime and disorder.

In a response to a query relating to the location of the premises the Police confirmed that the take-away backed onto residential properties and was next to the local church, not far from a licensed club. The Police advised that this area had been identified as a "hotspot" and preventative measures would help reduce crime and disorder.

The Police's Legal Representative made reference to paragraph 151 of Middlesbrough Council's Licensing Policy, which stated that the Operating Schedule of the late night take-aways should address issues such as the provision of CCTV both inside and outside the premises.

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 parties returned to the meeting whilst the Chair announced the Committee's decision.

DECISION

ORDERED as follows:

That the application for a Premises Licence for Iqbals Balti Raj, 424A Marton Road, Middlesbrough, Ref No. MBRO/PR0383 be granted from 11.00pm to midnight daily with the following being made a Condition of the Licence and adhered to:

1. That the premises would have colour CCTV installed before 7 January 2006, and all tapes kept for 31 days in a locked and secure cabinet.

Reasons for Decision

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 Representation made by Cleveland Police
- (iii) Consideration was given to the following paragraph of the Government Guidance Paragraph 7.20 onwards Annex D (Crime and Disorder)
- (iv) Consideration was given to the following sections of the Council's Licensing Policy – Page 17 paragraph 83, and Page 27 paragraph 151.

Crime and Disorder	Page 17 paragraph 83
Late Night Refreshment Houses	Page 27 paragraph 151