

**LICENSING SUB COMMITTEE C**

A meeting of the Licensing Sub Committee C was held on Monday, 23 January 2006.

**PRESENT:** Councillor B Taylor (Chair). Councillors Rogers (substitute for Councillor Mawston) and Lancaster.

**OFFICIALS:** M Caveney, M Cooper and T Hodgkinson.

**ALSO IN ATTENDANCE:****(For Agenda item 4)**

Applicant - Mr Hesham Mohammed  
Trading as Lemon Grass Pizza House, 56 Princes Road, Middlesbrough

**(For Agenda item No 5)**

Applicant - Ms K Walker – Manager, Rudds Arms and  
Mr B Tulip – Regional Manager, Greene King Brewing and Retailing Ltd.-  
Councillor Mawston, Ward Councillor representing local residents  
Mr D O'Rourke – The Wickets Management Company - representing local residents

**Police Representatives**

Marie Nevison (Solicitor) and WPC G Simpson – Police Representatives  
Fiona Henley – Cleveland Police - observer

**DECLARATION OF INTEREST:**

Councillor Mawston had Declared an Interest as Ward Councillor in relation to the Application on behalf of the Rudds Arms, Stokesley Road, Marton. Councillor Rogers was in attendance as a substitute for Councillor Mawston.

**LICENSING ACT 2003: APPLICATION FOR PREMISES LICENCE – LEMON GRASS PIZZA HOUSE, 56 PRINCES ROAD, MIDDLESBROUGH – REF: MBRO/PRO440**

A report of the Head of Community Protection had been circulated outlining an Application for a Premises Licence for the Lemon Grass Pizza House, 56 Princes Road, Middlesbrough.

**Summary of Proposed Licensable Activities**

Provision of late night refreshment

**Summary Of Proposed Hours For Licensable Activities**

11.00 pm – 3 am Daily

The premises consist of a take away situated in a residential area. Prior to the introduction of the Licensing Act 2003 these premises were not required to be licensed.

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

A representation had been received from Cleveland Police, who had objected to the application on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The police were in attendance and confirmed that a copy of the report and the Regulation 6 Notice of Hearing had been received.

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

The applicant was in attendance and was invited to speak in support of his application. He confirmed that he had had experienced of running other late night take away establishments

---

and required a late licence in order for the premises to be profitable. Late at night was the busiest time, between 12.30 am and 1.30 am.

The Principal Licensing Officer confirmed that until the new licence was granted the Applicant was operating illegally if he traded until 12.30 am and that the premises should be closed at 11 pm. The applicant apologised and stated that he had not realised that he was doing anything wrong.

The Police representatives were invited to present their case. It was explained that prior to the commencement of the meeting the following condition had been agreed with the applicant:

The applicant had confirmed that colour CCTV was already installed inside the premises but that the external camera was currently broken. The applicant had agreed as a condition of the licence to have the system repaired as soon as possible and for the tapes to be retained for a period in excess of 31 days in a locked and secure cabinet.

The applicant had also provided clarification on the following points:

1. That good lighting was installed both inside and out at the premises.
2. Health and safety certificates were available for the premises.
3. The applicant agreed to inform the police of any disorder at the premises.
4. It was confirmed that litter bins were provided both internally and externally.
5. The applicant confirmed that staff would request customers to leave the premises in a quiet manner and that notices to this effect would also be displayed.
6. Children would not be allowed in the shop unless accompanied by an adult and notices would be displayed to this effect.

The police confirmed that due to the applicant's confirmation of the above issues at the meeting, they would withdraw their representation.

The police agreed that they would visit the premises to check the various issues agreed in connection with lighting and signs. They would also provide guidance with the siting of the CCTV camera 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.

**ORDERED** as follows:

1. That the Application for a premises licence be granted for the provision of late night refreshment from 11 pm to 3 am.

Subject to the following Conditions to be included in the Operating Schedule and implemented by the last day of February 2006:-

- i) That coloured CCTV cameras be installed and working both inside and outside the premises with the tapes to be kept for 31 days in a locked and secure box.
- ii) That notices/signs to be displayed stating that unaccompanied children were not allowed in the shop.
- iii) That notices be displayed requesting customers to exit the premises quietly particularly late at night.

The decision was 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.
- ii) Consideration was given to the case made by the Applicant.
- iii) Consideration was given to the representation made by the Police.

- iv) Consideration was given to the relevant sections of the Council's Licensing Policy relating to the Prevention of Crime and Disorder (pages 17 to 19), Public Safety (pages 16-17), Prevention of Nuisance (pages 10 to 15) and the Protection of Children from Harm (pages 19 to 22).
- v) Consideration was given to the Government Guidance to the Licensing Act 2003, in particular the Prevention of Crime and Disorder (Annex D paragraph 7.20) and the Protection of Children From Harm (Annex 7 paragraph 7.47).

**APPLICATION – VARIATION OF PREMISES LICENCE – RUDDS ARMS, STOKESLEY ROAD, MARTON – REF: MBRO/PRO 263**

The Head of Community Protection submitted a report outlining an Application for a variation to the Premises Licence for the Rudds Arms, Stokesley Road, Marton, Middlesbrough.

The Committee was advised that the applicant had been granted a conversion licence on 12 August 2005 and were now submitting a further application to vary the licence.

The applicant accompanied by a representative was in attendance at the meeting.

The Principal Licensing Officer presented the report. It was confirmed that a copy of the report and the Regulation 6 Notice had been received and that the report was an accurate reflection of the facts.

It was noted that the application had included a variation to the Licence which sought to vary the licensable hours from 11 am to 12 midnight daily. However, representations had been received from the Police and various local residents on the grounds of the prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance.

A representative from The Wickets Management Company Limited, representing residents had been in attendance at the commencement of the meeting together with Councillor Mawston, the Ward Councillor for the premises.

The Police were also in attendance to speak in support of their objection.

However, the Principal Licensing Officer advised that prior to the meeting discussion had been undertaken relating to the variation of hours and agreement had been reached between the Police, residents, the applicant and the applicant's representative. Accordingly the applicant had agreed to withdraw the application to vary the hours and the applicant's representative confirmed that they were happy to continue to operate the business within the current hours for licensable activities.

It was also confirmed that all conditions set out in the Police representation had been agreed with the applicant prior to the meeting.

Subsequently the Police and local residents confirmed that they had agreed to withdraw their objections to the application to vary the hours.

In response to a query as to whether the application to vary had been withdrawn altogether, the applicant's representative explained that due to previous restrictions placed on the licence they wished to continue with the application to remove these restrictions which related to the admittance of children to the premises.

The police and the Ward Councillor confirmed that they had no objections to the removal of this restriction.

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.

---

**ORDERED** as follows:

1. That the application to vary the licence in relation to the admittance of children to the premises be approved.
2. That the hours for Licensable Activities be as previously granted as the application to vary had been withdrawn prior to the meeting.

The decision was based on the following reasons:

- i) The application was based on its own merits, taking into account the four Licensing Objectives of the Licensing Act 2003.
- ii) Consideration was given to the relevant sections of Middlesbrough Council's Licensing Policy.
- iii) Consideration was given to the relevant sections of the Government guidance.