



**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 24 OCTOBER 2008**

## **APPLICATION FOR PREMISES LICENCE**

**Applicant:** Mohammed Rafi

**Ref.No.**MBRO/PR0472

**Premises:** The Massala, 2 Kestrel Avenue, Brambles Farm, Middlesbrough, TS3 6EH

**Application received:** 1 September 2008

**Summary of proposed Licensable Activities:**

Provision of late night refreshment

**Summary of proposed Hours for Licensable Activities:**

11.00pm – 12.30am                  Daily

**Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.**

---

**1. Notification to Responsible Authorities:**

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Environmental Health Manager (Public Safety and Public Nuisance)

**2. Application advertised by the applicant:** Herald & Post 11 September 2008

---

### **3. Legislation**

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

As Members will be aware the Licensing Act 2003 introduced a new licensable activity – the provision of late night refreshment, which is the provision of hot food or drink to members of the public between the hours of 11pm and 5am.

### **4. Background**

The premises consist of a hot food takeaway situated in a parade of shops which are in close proximity to residential premises. The applicant also holds a premises licence in respect of the adjacent premises which also operates as a hot food takeaway allowing the provision of late night refreshment until 12 midnight.

In June 2008 the Council's Environmental Protection (Noise) Team received a complaint from a local resident in relation to noise nuisance associated with the premises. The complaint mainly related to noise from an extractor fan and also late opening. This matter was resolved by Officers, however, since this application has been made a further complaint has been received which is currently being investigated. The Environmental Protection (Noise) Team have reached an agreement with the applicant in relation to the addition of a further condition which they believe would limit disturbance. As a result they have not made any representations in relation to this application. The condition is as follows:-

- Noise and vibration shall not emanate from the premises so as to cause a nuisance or disturbance to nearby occupiers of other premises.

In relation to the complaint regarding late opening, Licensing Officers have visited the premises on a number of occasions and identified trading at the premises after 11pm. An investigation is currently ongoing, however, as a result of discussions with the owner an application for a premise licence has been submitted.

### **5. The Representations**

On 16 September 2008 a representation was received from L Foster, a local resident, who objects to the application on the grounds of the prevention of public nuisance (see Appendix 2).

On 23 September 2008 a representation was received from Miss M Bevington, a local resident, who objects to the application on the grounds of the prevention of public nuisance (see Appendix 3).

On 24 & 25 September 2008, representations were received from Mr P S Sandhu, a local resident, who objects to the application on the grounds of the prevention of public nuisance (see Appendix 4 & 5).

