

Licensing Sub-Committee – 5 December 2006

Minutes of the meeting of the **Licensing Sub-Committee** held on **5 December 2006** when there were present:-

Cllr A J Humphries
Cllr Mrs M A Starke

Cllr R A Oatham

OFFICERS PRESENT

N Khan - Solicitor
K Doyland - Licensing Manager
P Nellies - Licensing Officer
S Worthington - Committee Administrator

60 APPOINTMENT OF CHAIRMAN

Cllr A J Humphries was appointment Chairman of the Sub-Committee.

61 PROCEDURE FOR LICENSING HEARING

The Sub-Committee noted the procedure to be followed in hearing the review.

62 LICENSING APPLICATION

The Sub-Committee considered an application for a premises licence made under section 17 of the Licensing Act 2003. The application related to premises known as Daryl's Grill at Websters Way Car Park, Webster Way, Rayleigh, adjacent to lamp post no. 28. Members had before them the report of the Corporate Director (External Services) setting out the details of the application and the representation received from the Planning Authority.

In support of the application for extended opening hours from 9.00 pm until 3.00 am on Friday and Saturday and for the provision for late night refreshment from 11.00 pm until 3.00 am on Friday and Saturday, the applicant's representative stressed that the closest residential area to the above site was 50 metres away. No objections had been raised by local businesses or residents to this application.

The representative drew attention to the fact that the location of the trailer enabled the applicant to benefit from passing trade from the local pubs and from the Pink Toothbrush, the latter of which remained open until 2.00 am on Fridays and Saturdays. The applicant provided hot food to customers who had been consuming alcohol, which could only be beneficial in terms of reducing the effects of the alcohol. Similarly, the trailer's trading resulted in customers being drawn away from the high street and from large, noisy groups queuing at taxi ranks.

The representative emphasised that the applicant had been trading in a

similar capacity for 11 years, during which time the Police had been called out on only 2 occasions. It was further highlighted that, on approximately 6 occasions between February 2006 and October 2006, when the Council's Licensing officers had visited the trailer, there had been no evidence of any nuisance or disorder.

The representative advised that the applicant would be willing to ensure that the car park was thoroughly cleaned. It was further stressed that, given that there were 2 members of staff on duty at any time, regular collection of litter and cleaning was carried out during trading hours.

It was also noted that the applicant would be prepared to comply with any conditions requiring that the small radio within the trailer was kept switched off. In addition, the applicant would be willing to put up appropriate signage reminding customers not to make any excessive noise.

The representative drew attention to section P of the applicant's completed application for a premises licence and confirmed that the applicant would share with his staff his 11 years' experience of trading and in particular his awareness of issues relating to litter and disorder, encouraging them to copy his ways of dealing with patrons in respect of noise and nuisance.

In response to Member enquiries, the following was noted:-

- The applicant had one regular employee, who had been employed for over 12 months.
- The applicant always traded until 3.00 am.

In objecting to the application, the Planning Authority officer advised that it was the Local Planning Authority's policy to restrict the late night opening of restaurants and hot food take-aways in Rayleigh town centre. Other such premises in Rayleigh town centre closed between midnight and 12.30 am at the latest.

The Planning Authority was particularly concerned that granting a premises licence until 3.00 am on Friday and Saturday would lead to increased public nuisance, given that there were a number of residential properties in that vicinity. Such premises would serve to give people cause to remain and congregate in Rayleigh town centre rather than dispersing, which would be likely to result in disturbance to residents. It would also be likely to attract late night car borne trade, which was likely to lead to noise and disturbance, both from the individuals and from engines being started and car doors slamming.

Members, while mindful of the representations made, having given careful consideration to all the evidence were of the view that the terms and conditions included within the operating schedule, together with the additional conditions proposed by the applicants, would address the potential issues raised relating to public nuisance and crime and disorder.

It was emphasised that under the legislation there was the opportunity for formal review of the licence, if problems should occur in the future. It was further noted that the Council had not given its permission as landowner for its premises to be used.

Resolved

That the application be granted, subject to the terms and conditions stated in the operating schedule and subject to the following additional conditions:-

- A minimum of 2 members of staff to be on duty during hours of trading.
- To clear the surrounding area of litter immediately after trading has ceased.
- To deposit oil and food waste appropriately and not down drains.
- At least 2 A4 signs with clearly visible type to be placed in a prominent position near the serving area of the trailer reminding customers to behave responsibly and to leave the area quietly.

The meeting commenced at 10.00 am and closed at 11.40 am.

Chairman

Date