

Licensing Sub-Committee – 19 December 2005

Minutes of the meeting of the **Licensing Sub-Committee** held on **19 December 2005** when there were present:-

Cllr Mrs R Brown
Cllr Mrs S A Harper

Cllr R A Oatham

OFFICERS PRESENT

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

47 APPOINTMENT OF CHAIRMAN

Cllr Mrs R Brown was appointed Chairman of the Sub-Committee.

48 PROCEDURE FOR LICENSING HEARING

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

49 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 Ali Baba's Pizza and Kebab Restaurant & Takeaway, 45 Eastwood Road, Rayleigh, Essex. Members had before them the report of the Head of Housing, Health and Community Care setting out the details of the application and the representations received.

In support of the application for extended opening hours until midnight Sunday to Thursday and until 01.30 am on Friday and Saturday, the applicants' representative stressed that the application was a modest one. The restaurant presently accommodated 24 seated covers and had the capacity to expand this to 36. The premises had been open for 15 months and had been managed by the applicants during the whole of that period.

The applicants had responsibly addressed each of the four licensing objectives within their application. They drew particular attention to the fact that there would be at least 3 members of staff on duty in the evenings until closing time and that any anti-social behaviour would not be tolerated on the premises. Security lights would also be installed to the rear of the premises. The applicants stressed that, furthermore, they would be willing to install CCTV at the premises, to record both inside and outside the premises.

It was further noted that the applicants would provide litter bins both inside and outside the premises and would ensure that the forecourt was cleared of litter.

The applicants' representative drew attention to the fact that the Police had not objected to the application on crime and disorder grounds and that there had, in addition, been no representations from any interested parties. The representative contended that the Planning Authority was objecting to the application purely on planning grounds.

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

- The applicants had never had cause to call the Police to the premises.
- Children were not allowed on the premises after 11.00 pm.
- It would be possible to display notices on the premises requesting customers to leave quietly and considerately.
- The applicants would soon lodge a planning application for the premises.
- Last orders for seated customers would be 30 minutes before closing time and 10 minutes before closing time for takeaway customers.

The Planning Authority was particularly concerned that increasing the opening hours to 0130 hours on Friday and Saturday would lead to increased public nuisance, given that there were a number of residential properties in that vicinity. It was noted that in paragraphs 5.1 and 5.2 of the Council's Statement of Licensing Policy, the amenity of local residents was clearly a main consideration with respect to the licensing objective of the prevention of public nuisance and was, as such a material consideration.

The Planning officer, in addition, stressed that a secondary concern was that extended opening hours would lead to increased instances of crime and disorder within Rayleigh town centre. It was noted that the Police had, in the past, advocated a rapid dispersal of people from Rayleigh town centre late at night rather than encouraging them to congregate there. The Planning Authority was concerned that the extended opening hours would encourage people to gather in the vicinity of the restaurant, creating a public nuisance, and disturbance for local residents and, further, causing litter problems.

The Planning officer advised that two complaints had been lodged with the Planning Authority relating to the premises and that there was, in addition, an outstanding enforcement action with respect to the premises. It considered that the steps outlined in the operating schedule were inadequate to prevent any public nuisance.

In response to a Member enquiry relating to the current planning permission for the premises, the Planning officer advised that the premises had permission to open until 11.30 pm Monday to Saturday and until 11.00 pm on Sunday.

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. Members

furthermore felt that staff should receive instructions and should remind customers served at the premises after 11.00 pm to leave the premises quietly and considerately. It was further noted that under the legislation there was the opportunity for formal review of the licence, if problems should occur in the future.

Resolved

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

- CCTV coverage, in appropriate positions, both inside and outside the premises, which shall be recorded during the opening hours of the premises and, in terms of the external camera, for 2 hours after closing.
- Last food orders for seated diners shall take place no later than 30 minutes before closing and no later than 10 minutes before closing for takeaway customers.
- No children shall be permitted onto the premises, unaccompanied by an adult, after 11.00 pm.
- Notices to be displayed on the exit doors and other suitable locations in the premises no smaller than A3 size, no smaller than size 20 font, reminding customers to leave quietly and to show consideration for residents in the area. (HHHCC)

The meeting closed at 11.45 am.

Chairman

Date