

Licensing Sub Committee

Monday 5 February 2024

PRESENT:

Councillor Rennie, in the Chair.

Councillor Salmon, Vice Chair.

Councillors Stephens and Moore (Fourth Member and substitute for Councillor Tippetts)).

Apologies for absence: Councillor Tippetts.

Also in attendance: Jonathan Ball (Enforcement Officer), Rosie Brookshaw-Williams (Democratic Advisor), Cathy Morley (Lawyer), Ian Wills (Senior Lawyer).

The meeting started at 10.01 am and finished at 11.30 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

50. **Appointment of Chair and Vice-Chair**

The Committee agreed to appoint Councillor Rennie as Chair and Councillor Salmon as Vice-Chair for this meeting.

51. **Declarations of Interest**

No declarations of interest were made.

52. **Chair's Urgent Business**

There were no items of Chair's urgent business.

53. **Premises Licence Grant Report - Stoke Grill**

The Committee having:

- a) Considered the report from the Director of Public Health, including the guidance and policy referred to therein;
- b) Heard from the applicant as follows:
 - i) The area had a number of pubs and there was one other premises with a late-night refreshment licence for takeaway in the area. This other premises had a licence to serve food until 1am and had capacity for 7-8 customers at a time;
 - ii) The Stoke Grill premises had capacity for 12-15 customers at a time. The applicant had not been contacted by the police raising concerns and no

concerns had been raised by their customers;

- iii) If there were two late night food premises in the area, this would divide the crowd and speed up service, reducing waiting time and the potential for crime and disorder and/or public nuisance;
 - iv) When requested, staff called taxis for customers whilst they deal with their orders to reduce the potential crowd outside the premises. Staff asked customers to leave the area quietly and to put rubbish in the bin;
 - v) The premises had CCTV covering the exterior to the front and rear, and the interior;
 - vi) The premises would have 2 members of staff on duty from 11pm onwards;
 - vii) The peak time for food collections drivers was between 4pm and 8.30pm and the applicant did not believe their drivers were going the wrong way down the service lane. The working hours of the drivers had been adjusted and they had been told not to be on their phone during delivery times to reduce noise;
 - viii) Only one driver would do deliveries after 11pm and delivery would be collected from the front of the premises to ensure the back lane is clear;
 - ix) The rear door now included a plastic sheet so if it slammed it would not make a noise. The canopy had also been changed and sound insulation had been installed;
 - x) The premises sign did not flash, the applicant had not added signage to the premises;
 - xi) Previous complaints about rubbish had involved rubbish that was not connected to the premises. The premises were clear of rubbish to the front and rear. The bin to the rear was locked to prevent issues with other parties' rubbish and the applicant took responsibility for all of their rubbish during working hours, and a member of staff was picking up rubbish outside the front of the premises and putting out an extra bin;
- c) Considered the written representations from the objector, as they were not in attendance, and the appropriate licensing objectives:
- i) The noise of drivers on their phones in the service lane to the rear [Prevention of Public Nuisance];
 - ii) The constant door slamming to the rear of the property [Prevention of Public Nuisance];
 - iii) The constant coming and going from the premises [Prevention of Public Nuisance];

- iv) The premises attracting 'drunks falling out of the pubs in the early hours', resulting in 'noise, vomit and worse' [Prevention of Public Nuisance/Crime and Disorder];
- v) Serious violent acts and police being called [Prevention of Public Nuisance/Crime and Disorder].

The Committee considered the following written representations as not relevant to the Committee's consideration and/or the licensing objectives because they are covered by other legislation:

- i) The filth on the street and in the back lane. This came under other legislation, namely Environmental Protection Act 1990;
 - ii) The parking in the rear service lane;
 - iii) Drivers driving the wrong way down the one-way system;
 - iv) Light pollution from signage. This came under other legislation, namely Environmental Protection Act 1990.
- d) Disregarded the following from the representations from either party as they were no relevant to the licensing objectives:
- i) The business arguments of the applicant.
- e) Considered the following as relevant to the licensing objectives but there were insufficient evidence as to there being an issue and/or linking the issue to the premises:
- i) Light pollution;
 - ii) Potential violence;
 - iii) Issues in the back lane, including parking and rubbish, as this appeared to be a more general issue than one linked directly to the premises.
- f) Considered the Prevention of Crime and Disorder Licensing Objective regarding concerns about 'serious violent acts'. The Committee did not consider these particular premises would undermine the licensing objective given no representations had been made by the police in connection with this application and there was no evidence before the committee that these premises were contributing to crime and disorder in the area. The Committee did not consider granting the licence as set out below would add to the problems if the late-night refreshment hours were restricted, bearing in mind the operation hours of other premises in the area. There was no evidence the premises would increase the risk of violence in the area.
- g) Considered the Prevention of Public Nuisance/Protection of Children Licensing Objective regarding concerns around operational noise, noise from customers waiting outside the premises and drivers later at night, which could constitute a

public nuisance to neighbours, in particular children. The Committee was concerned that extending the hours as requested (to 2.00am, 7 days a week) would result in more people congregating outside the premises and in the area late at night when other premises in the area were closing between 11.30pm and 24.00. This could result in significant noise late at night impacting on the local neighbourhood and constitute a public nuisance. The Committee therefore found that the application would undermine this licensing objective. However, conditions could be applied to the licence to mitigate this impact. Members considered whether, if the licensed hours were restricted to times when the area was already busy, namely on Friday and Saturday night, until 2400 hours, this would mitigate the impact on the local neighbourhood and the public nuisance. The members determined that it would be proportionate to grant the licence on Friday and Saturday until 2400 hours, because it would not add noise to the area and had the least impact on the neighbourhood whilst allowing the applicant to offer late-night refreshment. This would effectively mitigate the impact on these licensing objectives. Members determined that these particular premises would not add to the problems in the area if the late-night refreshment hours were restricted to Friday and Saturday until 24.00 hours.

- h) Having considered the representations, the application and all that was said by the applicant, the Committee agreed it would be appropriate to grant the licence restricted to Friday's and Saturdays 2300 to 2400 hours. Members were satisfied that granting the licence on these terms would not undermine the licensing objectives. Members considered it appropriate to depart from the Cumulative Impact Assessment Policy in this case if the hours requested by the applicant were restricted, given that there had been no representations from any responsible authorities and the operating hours of other premises operating in the area. The Committee did not consider the granting of the licence with restricted hours would add to the cumulative impact in the area.

Therefore, the Committee agreed to grant the licence subject to the following conditions:

- Licensed hours: Friday to Saturday 2300 to 2400;
- Mandatory conditions set out in the Licensing Act;
- Conditions consistent with the applicant's operating schedule.