

**THE MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE
HELD ON THURSDAY, 24 NOVEMBER, 2005**

Present: Councillor Mrs A Naylor (Chair)
Councillors A Collinson and D Raine

Also Present: Mrs Tully – Resident
Mrs Davey – Resident
Mr Ibinson – Resident
Mrs Waller – Resident
P Bell – Legal Advisor for District of Easington

1 APPLICATION FOR NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – PIZZAMATIC, BLANDFORD PLACE, SEAHAM

Consideration was given to the report of the Environmental Health and Licensing Manager for an application for a Premises Licence under Section 17 of the Licensing Act 2003 which had been the subject of representations from local residents, a copy of which had been circulated to each Member.

The Principal Environmental Health Officer (Licensing) explained that the application was for a new Premises Licence under the Licensing Act 2003. The applicant requested the provision of a late night refreshment from 1000 to 0200 Monday to Sunday with the premises closing at 0200. A copy of the complete application was attached at Appendix 1.

Relevant representations were received from local residents and their objection related to the probability of disturbance in the area from provision of late night refreshment until the requested hours and patrons leaving the premises at the proposed terminal hour. The premises were located on the edge of a residential area and customers leaving the premises after the terminal hour on foot may pass housing. The applicant did offer measures within the operating schedule with respect to the licensing objective of prevention of public nuisance. Copies of the relevant representations were attached at Appendix 2.

The Principal Environmental Health Officer (Licensing) explained that three people named on the Petition that was attached at Appendix 2 had telephoned the Council to explain that they had not signed the petition.

Mrs Tully, an objector, requested the names of the people who had claimed that they had not signed the petition.

The Principal Environmental Health Officer (Licensing) explained that the residents were Mr Devlan - 82 Marlborough, S Meir - 45 Marlborough and V Watson - 40 Marlborough.

Mrs Tully explained that the objector who visited the above mentioned dwellings was not in attendance to provide an explanation.

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Mrs Tully explained that the delivery man from the pizza shop parked his car in between the TSB Bank and the church wall. The doors were always left open with the radio on very loudly and some of his friends would also congregate in cars with their radios on and the noise was horrendous. She explained that the cars often raced along to the traffic lights and she lived in a Council house and did not benefit from double glazing. She added that the delivery man and his friends were often playing football and urinating in the car park and she was always woken by noise if she tried to go to bed early. Outside the shop was very dirty and greasy and it was dangerous when it had been raining.

Mrs Davey, an objector, explained that she worked night shift and passed the premises at approximately 8.15 pm. She added that the noise was terrible and the delivery man and friends were always throwing cans over the church wall. There were sometimes three or four cars parked outside of the shop.

A Member asked if any complaints had been reported to the Police or Environmental Health and queried what time the shop closed at present. Mrs Tully explained that they had not reported any complaints and was not sure of the exact closing time but thought it was approximately midnight.

P Bell explained that if the licence was granted and the applicant did not adhere to his operating schedule or if additional conditions were imposed then he would be in breach of the terms of the licence and action could be taken.

Mrs Tully asked if the applicant had to give a reason why he requested to open until 2.00 am. The Principal Environmental Health Officer (Licensing) explained that the applicant did not have to give a reason and historically in that area there were late licences, for example, The Golden Lion and Uncle Sams and there were no current planning conditions on the premises.

P Bell explained that with the introduction of the new licensing laws, late night refreshments had to have a licence if they wished to operate after 11.00 pm and before 5.00 am.

Mrs Tully asked if the applicant was responsible for the drivers he employed and their behaviour/conduct. P Bell explained that he did have responsibility for his staff and agents. Agents were people who were self employed but worked for the applicant. He explained that there could be a condition placed on the operating schedule to prevent the applicant's staff and agents causing a disturbance and being a nuisance in the vicinity but this would only apply to staff and agents and not their friends.

Mrs Davey explained that the area was a Neighbourhood Watch Area and a lot of the problems they previously experienced had now ceased. The residents had always had a good relationship with the Police who always dealt with their problems.

A Member queried if all of the anti-social behaviour on the estate was totally down to the applicant's premises.

Mrs Tully explained that she felt that the anti-social behaviour was totally down to the applicant's premises. She lived in an open plan estate which was the main thoroughfare through to Parkside, Dawdon and Deneside and explained that there was no other eating place open late at night.

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Mr Ibinson explained that people walked straight past his front window and looked straight into his front room.

A Member queried if there was public demand for the facility. Mrs Davey explained that the premises was well used.

Mr Ibinson referred to the pavement and explained that it was very greasy. P Bell explained that this would be a matter for Environmental Health. If the licence was granted the operating schedule indicated that the applicant would keep the premises tidy. If he failed to do this then he would be in breach of the licence.

Mrs Tully queried if the applicant had ever been responsible for his premises before. A Member explained that if no reports were made then the Council could not know there was a problem.

A Member explained that there seemed to be a need for the business in the area and asked the objectors what they considered to be a reasonable closing time. Mrs Tully explained that she felt that by 2.00 am the majority of people would be in bed and explained that midnight would be a reasonable time.

At this point Members of the Sub-Committee retired from the meeting to deliberate the application in private in accordance with 14(2) of the Licensing Hearing Regulations.

The Sub-Committee returned and explained that no reports had been made to the Police or Environmental Health regarding anti-social behaviour from the premises. They advised that having considered the application and the representations put forward, the Sub-Committee had **RESOLVED** to approve the application with the following additional conditions:-

- (i) The applicant to erect prominent notices at the exits to the premises asking customers from the premises to leave quietly and orderly.
- (ii) Applicant to ban from the premises people who caused disturbances in the vicinity of the premises.
- (iii) Applicant to prevent staff and agents causing disturbance or nuisance in the vicinity of the premises.