

Licensing Sub-Committee Hearings

Friday, 23 June 2017

Attendees:

Substitutes: No substitutes were recorded at the meeting

Also Present:

10 Appointment of Chairman

RESOLVED that Councillor Hogg be appointed Chairman.

11 Declarations of Interest

Councillor Hogg (in respect of his position as a personal licence holder and his position at the Oak Tree Centre) declared his non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure 7(5).

12 Pizza & Grill Bros

Mr Mohammed Yusuf, the applicant, then informed the Sub-Committee that he had been in charge of the premises for four years and had built up a very good business. The premises health and safety and food hygiene standards were always at the highest levels. They considered that they had a fantastic relationship with the residents that lived in the immediate vicinity. Mr Yusuf informed the Sub-Committee that their relationship with local residents was a priority in the way they operated the business.

The Sub-Committee enquired whether any objections had come from residents and were informed there were not.

Mrs Harrington informed the Sub-Committee that the licensing authority had objected to the application because the extension of hours threatened to undermine the licensing objectives; the application fell outside the guidance on hours of operation in the Council's Licensing Policy.

Mr Milham then spoke to the Sub-Committee informing them that the noise level from the extraction unit at the takeaway currently was very high but due to its closure at 23.00 it did not contravene any of the World Health Guidelines in relation to an undisturbed night's sleep. However, if they were given to 03:00 this would result in considerable noise disturbance for local residents; the noise from the extraction unit and would be

increasingly apparent as the ambient noise levels in the area dropped. Mr Milham considered that the application was granted as applied for it would undermine the licensing objective of the prevention of public nuisance. Whilst the noise from the extraction unit was considered to be the most significant issue, Mr Milham also expressed concern at the increased noise that may result from patrons using the premises in the early hours of the morning.

Mr Yusuf addressed the Sub-Committee informing it that they would be happy to accept an extension until 00.00 if the Sub-Committee considered that it was not able to grant the extension until 03.00. He did not want to upset local residents.

Mrs Harrington and Mr Milham informed the Sub-Committee that they would be happy to agree to a 00.00 closure as long as the extraction unit was switched off at 23:00.

RESOLVED - to permit provision of late night refreshment Mondays to Sundays from 23.00 to 00.00 with the additional condition that the odour extraction unit be switched off from 23.00.

Reasons for the determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant and objectors under the Licensing Act 2003 and had regard to the Section 182 Guidance and to its own Licensing Policy.

The Sub-Committee had regard to the submission of the applicant that since taking over the premises they had worked hard to raise its reputation and the extended hours were being sought in order to extend the business and, in part, in response to the requests of some local residents for longer opening hours.

The Sub-Committee considered the evidence presented by Mr Milham on behalf of Environmental Protection. Having considered this evidence it found that there had in the past been noise nuisance; the odour extraction unit was located at the rear of the premises and only a few meters away from residential properties; late at night the ambient noise level decreases and noise from the use of plant would become increasing audible with the potential to cause a nuisance during recognised sleep hours; and that the area to the rear of the premises was partially enclosed by surrounding buildings leading to a reverberant environment that was likely to exacerbate noise levels.

The Sub-Committee had regard to the request made by the applicant that if the Sub-Committee did not feel able to grant the hours requested, it give consideration to granting a license until midnight; the offer was also made to turn off the extraction unit after 23.00 to minimise disturbance to local residents.

The Sub-Committee considered it proportionate and appropriate that a license to permit late night refreshment from 23.00 to 00.00 be granted subject to the condition that the odour extraction unit be switched off from 23.00.