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LICENSING SUB-COMMITTEE

26 May 2010

Present:- Councillor Hambleton in the Chair

Councillors Cooper and Slater

A Hussain – Applicant
D Walters – Environmental Health
A Snow - }
N Gardner - } Enforcement Team
Mrs E Braithwaite – for objectors
P R Washington – Clerk
Hayley Coleman – Staffs Sentinel Newspapers

56. * **Y2K, 30 SNEYD TERRACE, SILVERDALE**

Issues

Representations had been received from the Environmental Health Department and a number of interested parties concerning the prevention of public nuisance licensing objective.

Decision

The Sub-Committee took into account the Licensing Act 2003 and the guidance issued under section 182 of the Act, the Council's Statement of Licensing Policy and also the fact that the Environmental Health Department and a number of interested parties had objected to the application on the basis that to grant the application would undermine the prevention of public nuisance licensing objective.

The Sub-Committee considered that licensing objective in the light of what had been said and listened to the arguments and were persuaded that at this moment in time the grant of a licence would offend the licensing objectives. The Sub-Committee had sympathy for the plight of the applicant but concluded that noise associated with the activities including the operation of the extractor fan and from smells emanating therefrom continued to affect neighbouring residential premises. Evidence to this effect had been given by Environmental Health Services.

The applicant raised the fact that he considered that his rights under the Human Rights Act were being breached. The Sub-Committee took account of the Act and weighed the rights of the applicant against those of the general public and concluded that the effect of the nuisance on the public outweighed the loss to the applicant.

The Sub-Committee took into account that the applicant was complying with the noise abatement notice which had been served upon him and took into account the controlling measures referred to in the injunction issued against him.

On balance, the Sub-Committee was satisfied that the only action which would reasonably promote the licensing objective referred to was to refuse the application.

The Sub-Committee therefore decided to refuse the application and a notice would be issued to that effect.

T HAMBLETON
Chair