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LICENSING SUB-COMMITTEE

16 January 2009

Present: - Councillor Mrs Heames in the Chair

Councillors Hambleton and Slater

R Cooper	- Clerk
M Rafiq	- Applicant
N Refiq	- Representative of Applicant
A Snow	- Environmental Health, Licensing Enforcement
N Gardner	- Licensing Enforcement
K Jackson	- Licensing Enforcement
L Roberts	- Staffordshire Police
R Swinnerton	- Staffordshire Police
P Smith	- Staffordshire Police
Cllr G Williams	- Representative of interested parties
Cllr J Williams	- Representative of interested parties
Mrs Martin	- Interested Party
Mrs Lehane-Aston	- Interested Party

628. * **FLAMES KEBAB HOUSE, 211 LIVERPOOL ROAD, NEWCASTLE, STAFFS
APPLICATION FOR A PREMISES LICENCE**

Issues

Representations had been received from Staffordshire Police, Environmental Health (Licensing Enforcement) and Planning and development on the basis that to grant the application would undermine the prevention of crime and disorder and public nuisance Licensing Objectives.

Resolved

Having taken 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 a number of responsible authorities, namely the Police, Environmental Health and Planning and a number of local residents who had also submitted a petition had all objected to the application. The sub-committee considered the licensing objectives in the light of what had been said and listened to the arguments and was disposed to refuse the application for the following reasons:-

Refusal of the licence was necessary for the promotion of the licensing objectives. To grant a licence would exacerbate the noise and nuisance in an area which is predominantly residential.

The Committee heard evidence that the premises had been operating for some time during hours for which the applicant did not have permission and evidence was given that during those hours nuisance had been caused by the premises to residents in the form of noise, vehicles arriving, horns peeping, litter, music and anti-social behaviour.

The Committee was concerned to hear that the applicant did not consider that he needed a licence despite evidence that warnings had been given by the responsible authorities. The Committee was not persuaded that there existed proper management control at the premises and that the imposition of conditions would therefore have no effect. The applicant did not produce any evidence to counter this view.

The Committee was not persuaded that the applicant had any regard to the Council's statement of licensing policy in particular paragraph 2.4.

MRS A HEAMES
Chair