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LICENSING SUB-COMMITTEE

17 March 2010

Present:- Councillor Mrs Heames in the Chair

Councillors Jones and Slater

P R Washington – Clerk
Robert Homes – PLEAS – Agent for Applicant
Yener Solak – Applicant
D Solak
C Hill

931. * **APPLICATION FOR PREMISE LICENCE -
FLAMES, 37 LIVERPOOL ROAD, KIDSGROVE**

Issues

A representation had been received from an interested party concerning the prevention of public nuisance.

Decision

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 both the local planning authority and an interested party had objected to the application on the basis that to grant the application would undermine the public nuisance objective. The Sub-Committee considered that licensing objective in the light of what had been said and listened to the application and were persuaded that to grant the licence for limited hours would not offend the licensing objective.

Whilst the Sub-Committee had some sympathy with what the objectors had said, no-one was present at the hearing to corroborate that information. In fact the applicant had said much to refute some of the assertions made.

The Sub-Committee also took into consideration that all determinations of licensing applications should be made on empirical evidence and no account should be taken of speculative evidence.

Having said that there was clearly a possibility that the extension of the opening hours to those applied for could have an adverse impact on the residential amenity of the occupiers of the surrounding residential premises by virtue of the increase in noise disturbance caused by patrons coming to and going from the premises.

The applicant had made reference to a noise report and the fact that the Environmental Health Development had suggested that the property could be opened later for a trial period. The Sub-Committee considered that it was open to the applicant to apply for additional hours in the future if there were no

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objections. Equally it was open to residents to request a review of the licence if noise nuisance occurred.

The Sub-Committee were therefore disposed to grant the application for the following hours:

Friday and Saturday 11pm to 1am the following morning

The conditions which the Sub-Committee were disposed to impose in addition to relevant mandatory conditions and also conditions that were consistent with any of those listed by the applicant in the operating schedule were:-

- (1) That an automatic door closing device shall be attached to the entrance door which should remain closed after 11pm.
- (2) That the metal gates at the property be cushioned to avoid noise problems.

MRS A HEAMES
Chair