

**LICENSING COMMITTEE
MINUTES**

Date: Thursday, 7 December 2023

Time: 10.00am

Place: Council Chamber

Present: Councillors: Claire Parris (Chair), Maureen McKay (Vice Chair), Sandra Barr, Michael Downing, Lin Martin-Haugh, and Graham Snell

Start / End Time: Start Time: 10.00am
End Time: 11.45am

1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were submitted on behalf of Councillors Nazmin Chowdhury, John Duncan, Chris Howells, Graham Lawrence CC, Mrs Joan Lloyd, Margaret Notley, Anne Wells and Tom Wren.

There were no declarations of interest.

2 MINUTES - 3 APRIL 2023

It was **RESOLVED** that the Minutes of the meeting of the Licensing Committee held on 3 April 2023 be approved as a correct record and signed by the Chair.

3 TERMS OF REFERENCE

It was **RESOLVED** that the Terms of Reference for the Committee, as agreed by the Annual Council Meeting on 24 May 2023 be noted.

4 LICENSING APPLICATIONS - PROCEDURE

All parties noted the procedure for the Hearing which had been circulated with the agenda.

5 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE FOR THE TASTE OF INDIA, 48A HIGH STREET, STEVENAGE

The Committee considered an application for the variation of a premises licence for the Taste of India, 48A High Street, Stevenage, SG1 3AW. Representations in respect of the application had been made by the landlord and tenant of 44A, a residential premises located adjacent to the Taste of India.

Representations received by two of the Responsible Authorities, the Local Planning Authority and Environmental Health, had been withdrawn following the agreement of the applicant to amend their application and accept additional conditions set out in

paragraph 6.2 of the report to address the concerns of the Responsible Authorities.

The Licensing Officer presented her report to the Committee outlining the facts of the application. The application was for the provision of hot food/late night refreshment off the premises in addition to on, by way of delivery. The application also proposed to extend the hour for the provision of late-night refreshment by 30 minutes Friday, Saturday and Sunday, so that late night refreshment would be provided between the hours of 23:00 and 00:00 Friday and Saturday and between 23:00 and 23:30 on a Sunday.

The Committee was informed that the premises was located within the Stevenage Conservation Area and was surrounded by other takeaway food outlets including the Old Town Fish Bar and The Surma Indian Takeaway.

The Licensing Officer advised that the restaurant side of the Taste of India had closed during the COVID pandemic and had not re-opened since this time. The applicant was unaware that their premises licence did not authorise them for the provision of late night refreshment outside of the premises by way of delivery and he had subsequently submitted this application.

The Committee was advised that the following conditions had been included in the operating schedule in light of the proposed variation:

- There shall be no delivery of alcohol;
- The premises shall ensure that all orders taken by the premises will be delivered to a bona fide address;
- No deliveries shall be made to an open space;
- Delivery vehicles shall switch off their engines whilst stationary and collecting orders for delivery;
- Delivery vehicle horns shall not be used except in accordance with the Highway Code;
- Notices will be displayed at the rear of the premises requesting staff to respect the local residents and to use the area quietly.

The Chair then invited the objectors, the landlords of 44A High Street, to present their case. Both landlords spoke of their objections which were also made on behalf of their tenant, made under all four of the licensing objectives, their key points being:

- Concern with regard to the parking of the delivery vehicles underneath the windows of the property at 44A High Street. Drivers leave their engines running while collecting orders, causing noxious fumes to enter the property. The family residing in the property have young children and are unable to open the windows to increase ventilation;
- Rubbish bins are left in the private parking area underneath the windows of 44A causing nuisance with the smell of rotting food entering the property;
- Persistent use of the rear entrance of the Taste of India is causing noise disturbance, with the gate being left open whilst the business is operating and slamming in the wind; and
- Concern that the extended hours would lead to increased anti-social

behaviour.

The objectors responded to a series of questions asked by the members of the Committee and the Applicant's representative.

The Chair then invited the Applicant's representative Mr Sivashankar to present their case.

Mr Sivashankar's submission including the following points:

- Adjustments had been made to the gate by the applicant but ultimately, the gate was the responsibility of the landlord of 48A High Street. They would liaise with the landlord to improve the gate;
- The refuse was collected twice a week by Stevenage Borough Council and the applicant had now changed the location of where it was collected from to ensure it was away from the windows of No. 44A;
- Controls were now in place to monitor parking to ensure the landlord's and tenant's concerns were addressed;
- To ensure there was a mechanism to maintain communications between the objectors and the applicant, it was agreed that a direct mobile phone number to Mr Rahman would be made available.

The Applicant and his representative responded to a series of questions asked by the Members of the Committee and the objectors.

All parties were then invited to sum up their submissions.

At the conclusion of the summing up, the Committee withdrew from the meeting to determine the application. At the conclusion of that process, the Committee returned to the meeting to give their decision.

Licensing Committee Chair's statement:

The Licensing Committee approved the variation of a premises licence for Taste of India, 48A High Street Stevenage, SG1 3EF subject to the inclusion of the additional licensing conditions as set out below:

1. The imposition of all the conditions proposed in the Officer's report including those set out at Paragraph 6.2.
2. The amendment of the condition in paragraph 6.2 relating to the collection of food orders to delete the times set out and to replace with the phrase "at all times".
3. To add a condition to provide that the collection of takeaways during the extended hours shall be from the front entrance.
4. To add a condition requiring the licensee to ensure that the landlords and tenants of 44A High Street have a contact telephone number through which

they can raise issues regarding the operation of the premises.

The reasons for these conditions is to mitigate the nuisance and disturbance caused to the occupants of 44A High Street and nearby residential premises occasioned by the delivery activity and extended hours of operation.

All parties were advised of their right of appeal to the Magistrates Court within 21 days of the receipt of the decision notice.

6 URGENT PART I BUSINESS

None.

7 EXCLUSION OF PUBLIC AND PRESS

Not required.

8 URGENT PART II BUSINESS

None.

CHAIR