

**HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing Hearings Panel  
14 November 2012

**From:** Director of Leisure and Health

**Subject: APPLICATION TO VARY PREMISES LICENCE – PICCOLO'S, 62 MARKET PLACE, THIRSK**

Thirsk Ward

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**1.0 SUMMARY:**

1.1 This report asks the Panel to consider an application to vary the premises licence at Piccolo's, 62 Market Place, Thirsk, YO7 1LW.

**2.0 PROCEDURE:**

2.1 The procedure for Premises Licence hearings is attached as an annex to the agenda.

**3.0 THE APPLICATION TO VARY THE PREMISES LICENCE**

3.1 The application was received by the Licensing Team on 20 September 2012 (Annex 1). The application is to:-

- Extend the hours of opening for the purpose of providing late night refreshment in the form of hot food from 12 midnight until 3.00 a.m. on Fridays and Saturdays and from 12 midnight to 1.00 a.m. on Sundays to Thursdays.

3.2 The current licence covers the bistro only and permits:-

- late night refreshment daily from 23.00 to midnight

3.3 The application was forwarded to the three District Councillors for the Thirsk ward and to Thirsk Town Council as well as the responsible authorities.

3.4 A response (Annex 3) has been received from the Planning Enforcement Officer confirming the current planning permission only allows opening hours up to 11.30 p.m. on Sundays to Thursdays.

**4.0 PROMOTION OF LICENSING OBJECTIVES:**

4.1 The four Licensing Objectives set out in the Licensing Act 2003 are:-

- 4.1.1 the prevention of crime and disorder;
- 4.1.2 public safety;
- 4.1.3 the prevention of public nuisance;
- 4.1.4 the protection of children from harm.

4.2 The Panel must carry out its functions with a view to promoting the Licensing Objectives.

## **5.0 POLICY CONSIDERATIONS:**

- 5.1 In carrying out its licensing functions the Panel is required to have regard to:-
- 5.1.1 its Licensing Statement;
  - 5.1.2 any guidance issued by the Secretary of State.
- 5.2 The Council's Statement of Licensing Policy includes part 6.0 Preventing Public Nuisance. This sets out policy in relation to noise in particular. The Policy applicable to this notice is attached as Annex 4.
- 5.3 Attached as Annex 5 is section 9 of the Home Office's Amended Guidance issued under Section 182 of the Licensing Act 2003 to which advice the Panel must have regard.

## **6.0 THE REPRESENTATIONS**

- 6.1 The following objections (Annexes 6 to 12) have been received within the consultation period i.e. prior to 18 October 2012:-
- 6. Cllr Adamson
  - 7. Cllr Dadd
  - 8. Mr I Butterworth
  - 9. Ms Sarah Lockers
  - 10. Mr M.D. Shehata
  - 11. Tariq Abdull & Ewa Sygut
  - 12. Mrs E Wood (EHO)

## **7.0 BRIEF OBSERVATIONS OF THE REPRESENTATIONS:**

- 7.1 In general the representations refer to excessive noise from existing activities, particularly associated with music and DJs, and objections to potential noise nuisance in the future. Two of the objections also identify noise nuisance from fireworks displays held late at night.

## **8.0 DETERMINATION BY THE PANEL:**

- 8.1 The Panel has to decide what action to take in respect of the application for a variation to the premises licence.

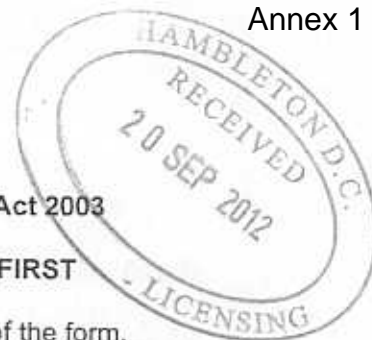
DAVID GOODWIN

**Background papers:** Procedure for Premises Licence Hearings

**Author ref:** PM

**Contact:** Philip Mepham  
Environmental Health Manager  
Direct Line No: (01748) 827043

£190-00 N2223223  
20/9/12



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We MEYSAM RAHIMI  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	05 - PREM - 01531
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Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
62 MARKET PLACE THIRSK NORTH YORKSHIRE			
Post town		Post code	YO7 1LW

Telephone number at premises (if any)	01845 522033
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Daytime contact telephone number	07878082682		
E-mail address (optional)	meysam_rhy@yahoo.co.uk		
Current postal address if different from premises address			
Post Town		Postcode	

**Part 3 - Variation**

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

We wish to extend the hours from 12 midnight until 03:00 AM on a Friday and Saturday and Sunday to Thursday until 01:00 AM for sale of Hot food.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Wed				
Thur				
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri				
Sat				
Sun				

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon				
Tue				
Wed				
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Thur				
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri				
Sat				
Sun				

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 3)			
Tue						
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat						
Sun						

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>			
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)			Indoors
			Outdoors			<input type="checkbox"/>
			Both			<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)			
Wed						
Thur			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)			
Wed						
Thur						
			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Fri						
Sat						
Sun						

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	01:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23:00	01:00			
Wed	23:00	01:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	03:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	23:00	03:00			
Sun	23:00	01:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri								
Sat								
Sun								

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	15:00	01:00	
Tue	15:00	01:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Wed	15:00	01:00	
Thur	15:00	01:00	
Fri	15:00	03:00	
Sat	15:00	03:00	
Sun	15:00	01:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Misplaced.

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

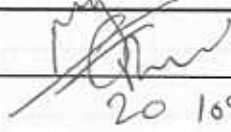
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	20 10 9 12
Capacity	

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

# HAMBLETON DISTRICT COUNCIL

## Licensing Act 2003 Premises Licence Summary

Premises Licence Number

05\_PREM\_01531

**Part 1 Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Postcode**

Piccolo  
62 Market Place  
Thirsk  
North Yorkshire  
YO7 1LW

**Telephone number** 01845 522033

**Where the licence is time limited the dates**

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**Licensable activities authorised by the licence**

L. Late night refreshment

**Times the licence authorises the carrying out of licensable activities**

L. Late night refreshment	Every Day	15:00 - 00:00
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**The opening hours of the premises**

Monday	15:00 - 00:00
Tuesday	15:00 - 00:00
Wednesday	15:00 - 00:00
Thursday	15:00 - 00:00
Friday	15:00 - 00:00
Saturday	15:00 - 00:00
Sunday	15:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

**Name, (registered) address of holder of premises licence**

Mr Meysam Rahimi  
62 Market Place  
Thirsk  
North Yorkshire  
YO7 1LW

**Registered number of holder, for example company number, charity number (where applicable)**

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**

**State whether access to the premises by children is restricted or prohibited**

 Linda Doughty

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**From:** Sarah Boasman  
**Sent:** 11 October 2012 11:11  
**To:** licensingteam  
**Subject:** 62 Market Place, Thirsk

Dear Licensing Team,

Further to my discussion with Kevin Suffield today with regards to Piccolo at 62, Market Place, Thirsk, I just wished to inform you that a 1990 planning condition for these premises restricts the opening hours of these premises. I contacted the owner of the premises on 1st June 2012 to reinforce to him that

'The original planning permission restricts the hours to between 9am – 11.30pm on Sundays – Thursdays and between 9am – midnight on Fridays –Saturdays (2/90/0152/0397).'

The owner will need to take this into account alongside his current application to Licensing and also submit an application to modify this condition. I will be contacting the owner to advise of this.

Please do not hesitate to contact me should you wish to discuss this further at any time.

Kind regards,

Sarah

Sarah Boasman  
Planning Enforcement Officer  
Hambleton District Council

Tel. 0845 12 11 555 ext 7295

(Due to my part-time hours, I am best contacted on Tuesdays, Wednesdays and Thursdays)

Please consider the environment – only print this email if absolutely necessary

**EXTRACT FROM HAMBLETON DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY**

**6.0 PREVENTING PUBLIC NUISANCE:**

- 6.1 The Council will ensure that adequate measures are taken by licensees to reduce the risk of public nuisance. In particular, it will look at measures to limit noise nuisance, both from the premises and from customers entering and leaving the premises. Methods of control might include restrictions on hours, particularly late at night, noise limiters on musical equipment and sound insulation of buildings, plant and equipment.
- 6.2 The Council will also expect licensees to adopt measures to avoid problems caused by customers spilling out of premises because they have reached capacity or for other reasons.
- 6.3 The Council will ensure that adequate measures are taken to deal with litter problems created by a licensable use in the immediate vicinity of the premises.

## 9. Determining applications

### GENERAL

- 9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

### WHERE NO REPRESENTATIONS ARE MADE

- 9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

### WHERE REPRESENTATIONS ARE MADE

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

#### **THE ROLE OF RESPONSIBLE AUTHORITIES**

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

## REPRESENTATIONS FROM THE POLICE

- 9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

## LICENSING AUTHORITIES ACTING AS RESPONSIBLE AUTHORITIES

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority

may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different individual to the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 For smaller licensing authorities, where such a separation of responsibilities is more difficult, the licensing authority may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

#### **HEALTH BODIES ACTING AS RESPONSIBLE AUTHORITIES**

- 9.20 Where a Primary Care Trust (PCT)<sup>4</sup> or Local Health Board (LHB) (in Wales) acts as a responsible authority, they should have sufficient knowledge of the licensing policy and health issues in order to be able to fulfil this function. If they wish to make representations, the PCT or LHB will need to decide how best to gather and coordinate evidence from other bodies exercising health functions in the area, such as emergency departments and ambulance services.

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<sup>4</sup> When relevant provisions in the new Health and Social Care Act 2012 are brought into force, PCTs will be replaced as responsible authorities by the primary health function of local authorities

- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. For example, drunkenness can lead to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information would be relevant to the public safety objective and in some cases the crime and disorder objective. In making representations, PCTs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

#### **DISCLOSURE OF PERSONAL DETAILS OF PERSONS MAKING REPRESENTATIONS**

- 9.22 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.23 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.24 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.25 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.26 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

## HEARINGS

- 9.27 Regulations governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.32 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.

- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.34 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - this Guidance;
  - its own statement of licensing policy.
- 9.35 The licensing authority should give its decision within 5 working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

#### **DETERMINING ACTIONS THAT ARE APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES**

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be

considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

#### **CONSIDERING CASES WHERE LICENSING AND PLANNING APPLICATIONS ARE MADE SIMULTANEOUSLY**

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

 Angela Trotman

---

**From:** Cllr Derek Adamson  
**Sent:** 21 September 2012 16:23  
**To:** Angela Trotman; Cllr Andrew Robinson; Cllr G Dadd  
**Cc:** clerk@thirsk-tc.gov.uk  
**Subject:** RE: Premises Licence - Piccolo, 62 Market Place, Thirsk

Hi Angela,  
 I would like to see this application REFUSED.

Thirsk Market Place still has residences, also very close by is the Three Tuns Hotel, previous guests have already stated that they would not have booked had they known that a late opening food outlet was so close by.

I believe that the potential for crime, disorder and anti social behaviour would be great.

Regards  
 Councillor Derek Adamson (Thirsk Ward)

---

**From:** Angela Trotman  
**Sent:** 20 September 2012 17:24  
**To:** Cllr Andrew Robinson; Cllr Derek Adamson; Cllr G Dadd  
**Cc:** clerk@thirsk-tc.gov.uk  
**Subject:** Premises Licence - Piccolo, 62 Market Place, Thirsk

Good afternoon

The Council has received an application to vary the premises licence (late night refreshment only) at Piccolo, 62 Market Place, Thirsk and I now attach a copy of the application.

The last date for representations is 18 October 2012.

Thank you.

Angela Trotman  
 Senior Licensing Administration Officer

Environmental Health Service  
 Hambleton and Richmondshire District Councils  
 Tel: 01609 767017 (direct line)  
 Email: [angela.trotman@hambleton.gov.uk](mailto:angela.trotman@hambleton.gov.uk)<mailto:angela.trotman@hambleton.gov.uk>  
[licensingteam@hambleton.gov.uk](mailto:licensingteam@hambleton.gov.uk)<mailto:licensingteam@hambleton.gov.uk>  
 Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

[cid:image001.jpg@01CD9754.CEC1B220]

**Angela Trotman**

---

From: \* Cllr G Dadd  
 Sent: 21 September 2012 16:42  
 To: Cllr Derek Adamson; Angela Trotman; Cllr Andrew Robinson  
 Cc: clerk@thirsk-tc.gov.uk  
 Subject: RE: Premises Licence - Piccolo, 62 Market Place, Thirsk

Hi

I wish also to add my objections to this application for the reasons my colleague Cllr Adamson has highlighted.

We have managed, by design or default, to eradicate recently one late venue and its associated disturbance, albeit a public house, and frankly do not wish to see the positive move forward compromised.

Best wishes

\* From: Cllr Derek Adamson [Cllr.Adamson@hambleton.gov.uk]  
 Sent: Friday, September 21, 2012 4:22 PM  
 To: Angela Trotman; Cllr Andrew Robinson; Cllr.Gareth Dadd  
 Cc: clerk@thirsk-tc.gov.uk  
 Subject: RE: Premises Licence - Piccolo, 62 Market Place, Thirsk

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Councillor Derek Adamson (Thirsk Ward)

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Thank you.

Angela Trotman  
Senior Licensing Administration Officer

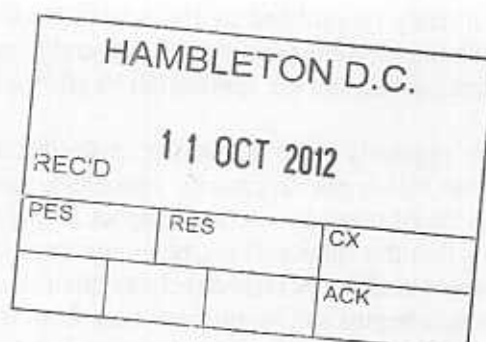
Environmental Health Service  
 Hambleton and Richmondshire District Councils  
 Tel: 01609 767017 (direct line)  
 Email: angela.trotman@hambleton.gov.uk<mailto:angela.trotman@hambleton.gov.uk>  
 licensingteam@hambleton.gov.uk<mailto:licensingteam@hambleton.gov.uk>  
 Website:www.hambleton.gov.uk

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Mr I. Butterworth  
62A Market Place  
Thirsk  
North Yorkshire  
YO7 1CW

12<sup>th</sup> October 2012

Licensing & Environment  
Hambleton District Council  
Civic Centre  
Stone Cross  
Northallerton  
North Yorkshire  
DL6 2UU



Dear Sir / Madam,

**Application for Variation to Premise License at Piccolo. 62 Market Place Thirsk**

Ref: 12\_PREM\_00978.

**Letter of Objection**

I write with regard the application by Piccolo's in order to object against the application for variation to the Premise License, which if approved would see the opening hours extended from 12:00am seven days a week, to 01:00am Sunday to Thursday and 03:00am Friday and Saturday.

I live directly above Piccolo's and whilst I understand and live with the implications of doing so within the constraints of the current license, I simply cannot see any need or justification for extended opening hours to support the night time economy of Thirsk Market Place. Thirsk is not a large town or city centre, it is a small market town in which the majority of (*very few*) pubs and bars close at 12:00am.

There are already two 'pizza' shops within very close proximity to the Market Square, one of which is already licensed to open until 01:00am Sunday to Thursday and 02:00am Friday & Saturday. In addition to this Thirsk also has an on-line late night delivery service available from the industrial estate. I do not believe that further provision is necessary or dare I say economically viable.

You should be aware that whilst things have quietened down recently, coincidentally at a time when Piccolo's are requesting a license variation? I have had several issues in the past with the current owners primarily relating to noise disturbance and breaches within the terms of the license relating to opening hours, which has resulted in me raising the matter with the proprietor, Environmental Health and my landlord.

From within my home I can clearly hear the fridges, the pizza ovens, the extract system, the music (*for which I trust they have the relevant licenses?*) as well as the voices of staff and customers. Surely it is not right that I can hear what individuals would like on their pizza or kebab? As you would expect the greatest potential for noise pollution is from the 'front of house' area which gets louder and louder as the evenings go on and as patrons become more inebriated. This has resulted in me closing off my front room which overlooks the Market Place as it just cannot be used.

I have always been concerned that the current, as well as previous owners of the shop have never deemed it necessary to treat the ceiling between their property and my home in order to address the issues of acoustic and fire separation. This means that as well as the issues relating to noise, I am also very mindful of the very real potential of the threat of fire spread and the consequences that inevitably brings.

I believe that granting the proposed variation to the license will inevitably exasperate the issues already endured as well as increasing the potential for anti social behaviour directly outside my home. You will be aware that the previous owners had their license revoked due to such matters and it is no coincidence that this has reduced since the shop has operated within its current hours.

I have elderly neighbours who are already intimidated by the activities associated with the operation of the premises, none more so than the gathering of youths around the gate and passage leading to their homes. Their apprehension will only be further increased should the application be allowed.

Finally, I am a working man and regularly need to be up at 06:00am. If Piccolo's work within the requirements of the current license then this is not necessarily a problem, however I am very concerned that if opening hours are extended then this could result in a serious impact on my sleep. If the staff need an hour to clear up etc after closing, this means that the shop will not be empty until 02:00am Sunday to Thursday and 04:00am Friday & Saturday giving me 4 & 2 hours respectively of quiet time. In addition to this on Mondays and Saturdays there is the market which begins setting up anywhere from 04:00am. I am also concerned that should the variation be allowed, the timekeeping will quickly become very lax once again.

In conclusion, I appreciate the setting in which I live and I have little issue should Piccolo's work within the requirements of their license, although any upgrading of the separating floor would be welcomed. However, I think it is clear that I am very concerned that my residential amenity will be severely compromised should the application for the variation to the license be allowed and I therefore urge you, my Local Authority, to refuse the request.

Yours Sincerely



Mr I. Butterworth.

C.c. Thirsk Town Council.

## 62 Market place Thirsk

Sarah Lockers [sarahlockers1@gmail.com]

**Sent:** 11 October 2012 17:01

**To:** licensingteam

---

Dir sir madam, I would like to object application for extending of opening hours at 62 Market Place, Thirsk. I am resident in the flat above the shop and I have two children. I did complain before about the noise coming from the shop, loud music and the noise from the drunk people outside the shop. By allowing them for extending opening hours you will make situation worse. Your sincerely, Sarah Lockers

**Linda Doughty**

---

**From:** MAGDY SHEHATA [shehatamagdy46@yahoo.com]

**Sent:** 13 October 2012 23:22

**To:** licensingteam

**Subject:** 62 Market PI,Thirsk

Dir Sir, Madam

I am objecting application for extending of opening hours at 62 Market Place for many reasons. First, we have residents who live in the building in the hotel and they complain about noise coming from the drunk people outside take away. This is very dangerous corner for all the antisocial behaviour at night.

Second, the applicant is already breaching the planning condition and the license so many times, which he supposed to open until midnight but is trading until early hours in the morning. For breaching planning condition and the license he should not be allowed to open at all. It is not kind of person you can trust.

For all these reasons we are objecting the license.

In behalf of Three Tuns (Wetherspoon) Hotel.

Yours sincerely,

Mr. M D Shehata

**Linda Doughty**

---

**From:** Kevin Suffield  
**Sent:** 11 October 2012 11:10  
**To:** 'tariq abdull'  
**Cc:** Angela Trotman; Geoff Pinkney\_Licensing; Linda Doughty; Philip Mepham  
**Subject:** RE: 62market place Thirsk YO71LW trading as Pizza Piccolo

Dear Mrs Sygut

Thank you for your Email

I have forwarded it onto our Planning Department

As part of the Variation application process they will respond to it in due course.

Kevin Suffield  
Licensing Enforcement Officer  
Environmental Health Shared Services  
Hambleton and Richmondshire District Council

Tel: 01609 767180 (direct line)  
Fax: 01609 767228  
Email: [kevin.suffield@hambleton.gov.uk](mailto:kevin.suffield@hambleton.gov.uk)  
Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)



Please consider the environment - only print this email if absolutely necessary

-----Original Message-----

**From:** tariq abdull [mailto:[tarrys80@hotmail.co.uk](mailto:tarrys80@hotmail.co.uk)]  
**Sent:** 10 October 2012 21:40  
**To:** licensingteam  
**Subject:** 62market place Thirsk YO71LW trading as Pizza Piccolo

I am writing to you as a previous owner of the business at 62 Market Place, Thirsk. In the past I tried to extend opening hours with planning and I was told there is a condition from the planning for restricted opening hours and it is impossible to extend the opening hours for the property mentioned above. When the new license in law came in 2003 I applied for a license to extend opening hours and the application was refused on the grounds of restricted planning. I had an appeal to the Council Committee, even I took the case to Northallerton Magistrates Court. The legal representative for the council told the Court that no license application should be accepted by the Council in relation to extending opening hours without applying first to the planning for relaxing the condition for opening hours and any business with restricted opening hours should not apply for extending opening hours. It cost me a lot of money to fight the Council (the license) and my total cost of trial was £18,000 and if the Planning or the License will be granted I will try my hardest to claim my money back from the license. The council know exactly what the law is and it should be applied to everybody. That's why I sold the business. Yours sincerely, Ewa Sygut

15/10/2012

## Licensing Act 2003 Representation Response

Premises Address	Piccolo		
	62 Market place, Thirsk, North Yorkshire YO7 1 LW		
Date application received	21/9/12	Date Returned to Local Authority	11/11/12

### Environmental Health Section Response.

The Environmental Health Section would object to the application in its current form for the following reasons:-

#### Prevention of Crime & Disorder

#### Prevention of Nuisances

The premises is in a mixed residential commercial town centre. Noise from customers using the premises may result in sleep disturbance to occupiers of neighbouring residential properties. This is more likely to occur as other noises in the area reduce.

Accumulations of litter around food outlets are a concern particularly where customers may be under the influence of alcohol.

#### Protection of Children

#### Public Safety

These objections ~~\*cannot be overcome/\*~~ can be overcome by amendments to the Operating Schedule as follows:-

Prevention of Crime & Disorder

Prevention of Nuisances

The closing time of the premises should be 2am, which would bring it in line with other late night refreshment houses in the area.

The following condition would allow control over the accumulation of waste.

All litter within the vicinity of the premises shall be cleared away when the premises closes

Protection of Children

Public Safety

If these amendments are agreed / approved by the Applicants, the Environmental Health Section consider there will not be a need for a hearing of the Council's Licensing Committee.

These amendments have been discussed with the applicant and agreed to

Yes  No

EHO .....elaine wood..... Date ..... 11/14/12.....

**Linda Doughty**

---

**From:** Elaine Wood  
**Sent:** 11 October 2012 10:36  
**To:** licensingteam  
**Subject:** FW: Application to vary Premises Licence

**Elaine Wood**  
Environmental Health Officer  
Hambleton and Richmondshire District Councils  
Tel: 01609 768679 (direct line)

Email: [elaine.wood@hambleton.gov.uk](mailto:elaine.wood@hambleton.gov.uk)  
Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

Please consider the environment – only print this email if absolutely necessary

-----Original Message-----

**From:** meysam rahimi [mailto:[meysam\\_rhy@yahoo.co.uk](mailto:meysam_rhy@yahoo.co.uk)]  
**Sent:** 11 October 2012 10:23  
**To:** Elaine Wood  
**Subject:** Re: Application to vary Premises Licence

Dear Elaine Wood

I am writing to confirm that we are happy with the conditions you proposed such as staying open till 2 am and also we are happy to do the litter picking which we already are doing that at the moment.

Thank you very much for your emails and suggestions. I appreciate that very much.

Kind Regards

Meysam Rahimi

---

**From:** Elaine Wood <[Elaine.wood@hambleton.gov.uk](mailto:Elaine.wood@hambleton.gov.uk)>  
**To:** 'meysam rahimi' <[meysam\\_rhy@yahoo.co.uk](mailto:meysam_rhy@yahoo.co.uk)>  
**Sent:** Wednesday, 10 October 2012, 10:55  
**Subject:** RE: Application to vary Premises Licence

Dear Mr Rahimi

Further to my telephone message please find attached my response regarding your application to vary your premises licence.

If you are happy to close at 2am rather than 3am on Friday and Saturday and happy to collect litter around your premises after closing you just need to send me or [Licensingteam@hambleton.gov.uk](mailto:Licensingteam@hambleton.gov.uk) an email to confirm.

If you wish to discuss this further please contact me as soon as possible. I will be here today until 11.30, and then on the number below on Thursday and Friday.

15/10/2012

Many thanks  
**Elaine Wood**  
Environmental Health Officer  
Hambleton and Richmondshire District Councils  
Tel: 01609 768679 (direct line)

Email: [elaine.wood@hambleton.gov.uk](mailto:elaine.wood@hambleton.gov.uk)  
Website: [www.hambleton.gov.uk](http://www.hambleton.gov.uk)

Please consider the environment – only print this email if absolutely necessary

-----Original Message-----

**From:** meysam rahimi [mailto:[meysam\\_rhy@yahoo.co.uk](mailto:meysam_rhy@yahoo.co.uk)]  
**Sent:** 05 October 2012 16:48  
**To:** Elaine Wood  
**Subject:** Re: Application to vary Premises Licence

Dear Elaine

I hope you are fine.

I tried to contact you today, but unfortunately I saw the email when it was too late to contact you since your phone went on answering machine. I would very much appreciate if we could discuss these matters as they have been solved for quite a long while.

the problem with music which I think we happily spoke to the flat above and solved it. and this means that we no longer play music in the premisses and this goes back to at least 3 month ago. also about the waste disposal which was thoroughly considered on our behalf and the reason why we encountered such problem was because the company we deal with for our waste disposal (todd) was delayed in delivering the bin to our premisses which we perused that in the very beginning weeks. So I do not see why there should be any more complaints on these matters. I would be delighted if we could discuss upon these issues on the phone or in person therefore we can come to a conclusion. I am very much great full for emailing us and letting us know. hopefully speak to you soon.

Kind Regards  
Meysam Rahimi

---

**From:** Elaine Wood <[Elaine.wood@hambleton.gov.uk](mailto:Elaine.wood@hambleton.gov.uk)>  
**To:** "meysam\_rhy@yahoo.co.uk" <[meysam\\_rhy@yahoo.co.uk](mailto:meysam_rhy@yahoo.co.uk)>  
**Sent:** Friday, 5 October 2012, 12:42  
**Subject:** Application to vary Premises Licence

Dear Mr Rahimi

I would be grateful if you could contact me to discuss your recent application to vary your premises licence.

I have concerns regarding the closing time and would wish to see this brought earlier. We have also in the past received complaints of loud music from the premises and concerns over waste disposal. I would wish to discuss these with you also.

After today I will next be in the office on Wed 10<sup>th</sup> October.