

LICENSING ACT 2003  
LICENSING SUB-COMMITTEE

**DECISION NOTICE**

Tigerbite, 3 Smithfield Centre, Leek ST13 5JW

Meeting: Monday 4<sup>th</sup> December 2023 at 1 pm

Present: Councillor K Hoptroff (Chairman)

Councillor G Bentley

Councillor B Hughes

N de Bruin - Senior Legal Officer

Applicant: Leek Fast Food Ltd represented by: Mr P Adams -  
Operations Manager, Tigerbite.

Objector: Environmental Health Section Staffordshire Moorlands  
District Council, represented by Mr D Colgan, Senior Environmental  
Health Officer

For the Licensing Authority: M Towers, Senior Licensing Officer and  
Mrs S Bradbury, Licensing Officer

Observing: Mohammed Shakil - Director of Tigerbite Franchise Ltd, James Lancett -  
Operations Team, Tigerbite and Ms K Ashdown from the Sentinel.

**Introduction**

The hearing was called to consider an application by Leek Fast Food Ltd to grant a  
Premises Licence in respect of Tigerbite, 3 Smithfield Centre, Leek ST13 5JW.

No interests were declared.

Mr Adams, Mr Colgan and Mr Towers addressed the Sub-Committee.

The Sub-Committee also took into account the written report, S182 guidance (as  
amended) and Staffordshire Moorlands 'Statement of Licensing Policy' before  
coming to a decision.

## **Licensing Sub-Committee (SMDC) - 4 December 2023**

The Senior Legal Officer drew members attention to the case of Daniel Thwaites plc v Wirral Borough Magistrates Court as well as paragraphs 9.42 to 9.45 of the 182 guidance specifically.

### **Decision**

To grant the Premises Licence as applied for subject to the following additional conditions:

1. the additional conditions suggested by the Police as set out on page 8 of the committee report with the following amendments to the first sentence of bullet point one:
  - CCTV, including audible recording, must be installed and cover all internal/external areas that form part of the premises, and the parking area immediately the rear to be used by delivery drivers for the premises.

And the first bullet point on page 9 of the committee report as follows:

- The CCTV system must be maintained so as to be fully operational and recording continually whilst the premises are operating licensable activities and during all times when customers are on the premises.

And the fourth bullet point on page 9 of the committee report as follows:

- There must be notices displayed throughout the premises and on the wall outside to the rear stating that CCTV is in operation.

2. Access and service in person to members of the public shall cease at midnight. At midnight the door(s) to the serving area to the front of the premises to the A523 shall be locked. Blinds to the front windows and door(s) shall be installed and closed at midnight so as to prevent views from outside of any activity in the premises, the illuminated sign to the frontage shall be extinguished.
3. From midnight the premises shall operate strictly as a delivery only service. Deliveries shall take place via the premises' rear door utilising the premises' own employed drivers only and delivering exclusively to a fixed place of abode or business premises.

### **Reasons for the decision**

The Sub-Committee carefully considered what the environmental health officer and the applicant had to say. It considered that this sort of premises would be likely to create noise when it was open, particularly late at night when the clientele would have been likely to have been out drinking, and as a result would be more likely to be noisy. However, with the additional conditions 2 and 3 above suggested by the applicant, the premises could be managed in such a way as to minimise this type of disturbance.

## **Licensing Sub-Committee (SMDC) - 4 December 2023**

It was noted that with the imposition of conditions, accepted by the applicant, that the police did not consider the premises would undermine the crime and disorder licensing objective. Those conditions had been modified slightly to accommodate the amended manner in which the licence would operate as was put forward by the applicant at the meeting.

Members noted that this was a town centre location in which some disturbance late at night at the weekend was to be expected, however, in balance, the premises were also close to several residential properties and a hotel. This justified the additional conditions so that the licensing objective of preventing a public nuisance would not be undermined.

The conditions imposed by the Sub-Committee struck a balance between the competing interests of this town centre business, residents and other businesses.

If the premises did cause a nuisance then the licensee could be brought back before the Sub-committee to reduce the hours

Although it was noted that the planning permission granted in 2018 for the change of use to a hot food takeaway limited the hours to finishing at midnight there was no mechanism of the planning authority to revisit the hours in the same way as the licensing authority, which meant the licensing authority could afford to be more flexible in its approach. However, if the applicant wished to make use of the licensed hours granted by the licensing authority then they would need to make an application to vary their planning consent before changing their hours of operation beyond midnight.

### **Right of Appeal**

The objectors and/or the applicant may appeal against this decision.

Any appeal must be made in writing to the Staffordshire Magistrates Court within 21 days from the date of receipt of this Decision Notice.

### **Informative:**

The applicant will need to apply for planning permission to operate the premises at the times the licence is granted for. Grant of the licence under the Licensing Act 2003 does not imply that planning permission will be granted by the Council acting as the Local Planning Authority.

If operation of the premises should cause a noise nuisance the licence may be reviewed by the Licensing Authority.

The meeting closed at 14:20pm

Dated 4 December 2023

Chairman of the Licensing Sub-Committee

**Licensing Sub-Committee (SMDC) - 4 December 2023**

The meeting closed at Time Not Specified

\_\_\_\_\_ Chairman \_\_\_\_\_ Date