

LICENSING SUB-COMMITTEE
1st August, 2013

Present:- Councillor Wootton (in the Chair); Councillors Goult and Swift.

**CLUB/PREMISES CERTIFICATE (LICENSING ACT 2003) -
MARANTO'S, 23 HIGH STREET, SWALLOWNEST**

Consideration was given to an application for a premises licence under the Licensing Act 2003, in respect of the premises known as Maranto's, 23 High Street, Swallownest.

The Licensing Authority received representations from local residents living near to these premises, from a local Ward Councillor, from the Borough Council's Community Protection Unit and from the Aston-cum-Aughton Parish Council, which were not withdrawn and the Sub-Committee considered those representations. The applicant and a supporter attended the meeting and presented the licence application and responded to the issues raised in the written representations considered by the Sub-Committee.

Members learned that the Maranto's premises included a restaurant area with seating for 24 people and there was also a take-away facility. The applicant and his supporter advised the Sub-Committee that the applicant wished to sell alcohol only with food orders over £10.00 and that the premises would not be an 'off licence'. The premises now closed at 11.00 pm, as a consequence of discussions with an enforcement officer of the Borough Council. In relation to the representations relating to potential noise and nuisance, the applicant considered that those problems could not be connected with the subject premises, because they had only recently opened. There was no evidence that any existing problems of anti-social behaviour in the area were connected to Maranto's and the applicant had already established good relations with his regular customers. In response to concerns about vehicle parking, the applicant explained that limited off-road parking was available at the rear of the premises.

Members questioned the applicant about the submitted information and in particular about the premises' publicity material which detailed the prices for alcoholic drinks and for food. They expressed their concern about the lack of clarity and consistency between the information presented at the hearing and the premises' printed menus. Members also had reservations about the impact of the premises in an area which was already a priority in relation to the prevention of anti-social behaviour.

The Sub-Committee formed the view that the representations submitted by objectors were valid concerns. The representations made on behalf of the applicant and his supporter had to some extent addressed the issues

raised, but in the opinion of the Sub-Committee, they did not sufficiently overcome the concerns raised to resolve issues to the satisfaction of the local authority. The area in which the premises are situated is a PACT priority area in relation to anti-social behaviour and the granting a licence to the premises was likely to exacerbate these problems in the area. Members expressed their concern that the applicant had disregarded the Licensing Act 2003 by selling late night refreshment whilst unlicensed and placed emphasis on the representation from the Borough Council enforcement officer that the applicant was not a 'fit and proper' person to be granted a licence.

Resolved:- That the application, now submitted, for a premises licence for the premises known as Maranto's, 23 High Street, Swallownest, be refused.