

MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'C'**HELD ON 14 JULY 2014 AT 10.00 A.M. IN THE COUNCIL CHAMBER, WEELEY****Present:** Councillors Sambridge (Chairman), De-Vaux Balbirnie and Fawcett**Stand-by Member:** Councillor Mitchell**Also Present:** Councillor Pugh**In Attendance:** Environmental Services Manager (John Fox), Solicitor, (Linda Trembath), Licensing Manager (Simon Harvey), Democratic Services Officer (Janey Nice) and Licensing Assistant (Michael Cook)**Also in Attendance:** Mr Okkes Dari (Applicant) and Mr Sait Bicer (Manager, Family Pizza)**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

2. MINUTES

As Councillor De-Vaux Balbirnie was the only Committee member present at the last meeting of the Premises/Personal Licences Sub-Committee 'C' he agreed the minutes were a true record and accordingly these were signed by the Chairman as such.

3. DECLARATIONS OF INTEREST

There were none.

4. LICENSING ACT 2003 – APPLICATION NO: 14/00313/PREMGR – APPLICATION FOR THE GRANT OF A PREMISES LICENCE - FAMILY PIZZA, 8 OLD PIER STREET, WALTON-ON-THE-NAZE, ESSEX

The Chairman welcomed all those persons present to the meeting, introduced the Sub-Committee members and outlined the procedure that would be followed during the hearing.

The Sub-Committee had before it for consideration, an application that had been submitted by Mr Okkes Dari for the grant of a Premises Licence for late night refreshments in respect of the above premises.

The Council's Licensing Manager advised the Sub-Committee that he had received a petition objecting to the application on the grounds of public nuisance, which had been signed by 36 local residents, and had been submitted by Mr Green of Suffolk Street who was the co-ordinator of the petition. Mr Green had been invited to attend the meeting of the Sub-Committee but he was unable to attend. Mr Green stated in his letter that the premises were already causing a nuisance and would cause further nuisance if the operating hours were extended beyond 23.00 hours.

The Licensing Manager also informed the Sub-Committee that the Applicant was aware of the need to apply for the correct planning permission to allow the extended opening hours, and that Planning Services would be writing to the Applicant should the Sub-Committee be minded to approve the application at this meeting.

The Licensing Manager reminded the Sub-Committee of the Licensing Policy considerations, as outlined in the Report of the Corporate Director (Public Experience), and then requested that the Sub-Committee determine the application.

The Applicant's Manager, Mr Sait Bicer, spoke in support of the application on behalf of Mr Okkes Dari. He stated that the business operated another business based in Clacton-on-Sea, which had had very few problems and they wanted to be able to operate in Walton-on-the-Naze due to the large number of holidaymakers visiting the area.

Councillor Sambridge then asked of Mr Bicer: (1) Would the premises close earlier than 2.00 a.m. if not busy? (2) Why did he request the licence until 2.00 a.m. if not sure what time the premises would close? (3) If the trial of opening hours did not work, would the premises not stay open? and (4) How many residents resided in the area?

Mr Bicer replied as follows: (1) The premises would close at 11.30 p.m., or earlier, if there were no customers, but probably 11.30 p.m. in winter; (2) When the application was submitted, the Applicant was not sure of how many hours to request and left his options open; (3) Yes, they would close; and (4) There were not many residents in that area, mainly business premises with perhaps one or two houses further up the street.

Councillor Fawcett then asked Mr Bicer: (1) If the premises licence was granted, was the Applicant aware of the need for planning permission? (2) In the last 12 months, had they had any Police presence at the premises? and (3) Did they have any arrangements for collecting litter outside of the premises?

Mr Bicer replied as follows: (1) Yes, the Applicant was aware but had not applied yet as was awaiting the outcome of the Premises Licence hearing; (2) No, only in that the Police had requested sight of the CCTV camera coverage in relation to another issue unrelated to the premises; and (3) Yes, all litter from outside the premises was collected as necessary.

The Licensing Manager reiterated that the Applicant would need to apply for the variation of the business's planning permission and that Planning Services would write to the Applicant reminding him of the need for this as per their representation in respect of the premises licence application.

The Licensing Manager asked the Applicant what was the ratio of customers having pizzas delivered as to those being collected? Mr Bicer replied that, during normal opening hours, around 60% were delivered with around 40% being collected. He said that, during the latter part of the night, more pizzas were collected from the premises than were delivered.

Councillor De-Vaux Balbirnie asked the Environmental Services Manager if he was aware of any complaints that had been received in connection with noise or disturbance from the premises. The Environmental Services Manager said that he was not aware of any complaints having been received.

The Applicant was asked by the Chairman if he wished to make any closing statement or comments in regards to his application. Neither he nor his Manager wished to add anything further.

The Sub-Committee then:

RESOLVED that the press and public be excluded from the meeting pursuant to Section 100A(4) of the Local Government Act 1972 during the period when the Sub-Committee would be deliberating and considering its decision on the grounds that such deliberations involved the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A, as amended, of the Act.

Members withdrew from the meeting to deliberate and consider their decision. The Solicitor and Democratic Services Officer were asked to accompany them to advise on any legal points raised and to record the decision.

Following such deliberations the public were readmitted to the meeting. It was reported that the Solicitor had given general advice that the Committee had to bear in mind that, in considering any application for a licence, it should promote the four licensing objectives, but that no specific legal advice had been given to Members during their deliberations. She advised the meeting that Councillor Fawcett had objected to the 2.00 a.m. extension preferring the premises stayed open only until 1.00 a.m. but had been outvoted by the other Sub-Committee members.

Accordingly, it was moved by Councillor Sambridge, seconded by Councillor De-Vaux Balbirnie and **RESOLVED** that the decision of the Sub-Committee be as follows:

“The Sub Committee has given careful consideration to this application. In reaching our decision, we have taken into account the views expressed by the Applicant, the relevant representation received from another party with a petition along with the guidance issued by the Secretary of State and other matters set out in the Licensing Authority’s own Statement of Licensing Policy.

The decision of the Sub-Committee is to **GRANT** this application, in full, subject to any mandatory conditions and any conditions that are consistent with the Operating Schedule. The Applicant should be reminded for the need for planning permission before the premises opened to the extended hours and that the Applicant should be aware of the need to collect litter from outside the premises in order to keep Walton looking nice and to keep the neighbours happy.

Finally, the decision will be confirmed, in writing, to all parties and they will also be informed that they have a right of appeal to the Magistrates’ Court within a period of 21 days beginning with the date the Applicant is notified of the decision by notice.”

5. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 10.50 a.m.

Chairman