
MINUTES OF THE PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'C'
HELD ON 29 SEPTEMBER 2015 AT 2.00 P.M. IN THE COUNCIL CHAMBER, WEELEY

Present: Councillors Platt (Chairman), Raby, M J Skeels and White

In Attendance: Environmental Services Manager (John Fox), Licensing Manager (Simon Harvey), Solicitor (Linda Trembath), Communications Manager (Nigel Brown), Democratic Services Officer (Janey Nice) and Licensing Assistant (Michael Cook)

5. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology was submitted from Councillor J Henderson (with Councillor White substituting).

6. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 25 June 2015 were signed as a correct record.

7. DECLARATIONS OF INTEREST

There were none.

8. LICENSING ACT 2003 – APPLICATION NO: 15/00501/PREMGR - FOR THE GRANT OF A PREMISES LICENCE AT BEST KEBAB, 37 BLUEHOUSE AVENUE, CLACTON-ON-SEA, CO16 7BA

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

The Sub-Committee had before it for its consideration, as set out in item A.1 of the Report of the Corporate Director (Public Experience), an application that had been submitted by Mr Osman Nasar Mohammed for the grant of a new Premises Licence in respect of the above premises.

The Council's Licensing Manager (Simon Harvey) briefed the Sub-Committee on the application being considered and summarised the salient points of the application including, principally, that the Applicant was applying for a Premises Licence to allow late night refreshment only which covered the sale of hot food and/or late drink after the hours of 23.00 (11.00 p.m.)

He advised Members that a petition with 17 signatures had been received from residents residing in Flatford Drive, Bluehouse Avenue, Ongar Close and also from a resident of Leas Road, Clacton-on-Sea against this application. He added that the resident of Leas Road, Dr Carol Jaensch who submitted the petition, was also the owner of a house in the vicinity of the application which was occupied by her parents. Mr Harvey said the petition expressed concern that the opening of the premises until the time sought would cause public nuisance to the residential community by damaging their right to peace and quiet during the night in their own homes and there was a strong possibility that late opening would encourage crime and disorder in the area.

Mr Harvey further informed the Sub-Committee that an email in support of the application had been received from Councillor Pemberton, who resided in Bluehouse Avenue, in which he stated that although not many people were in the vicinity past 23.00 (11.00

p.m.), he was 100% behind the application as it would be better to have the premises open than be empty like similar shops in the vicinity.

In addition, he informed the hearing that Essex Police had advised that it had no objection to the application and there had been no representations received from any other Responsible Authority entitled to make a representation under the Licensing Act 2003.

Councillor White asked the Licensing Manager if it was a new business setting up or an existing business and was informed that it was an existing business with trade only up until 11.00 p.m. and the business wished to extend its trading hours from 11.00 p.m. until 1.00 p.m. Councillor White also asked if the application had sought the sale of alcohol and was informed by Mr Harvey that the application was for late night food only and that no application had been received for the sale of alcohol.

Councillor Platt noticed that there had been no representation from Essex Police and asked Mr Harvey if there had been any representations from Ward Members and was informed that the only representations were those that were already in front of the Committee.

There were no further questions from members of the Sub-Committee.

The Sub-Committee then **RESOLVED** that the 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 of the Sub-Committee then withdrew from the meeting to deliberate and consider its decision. The Solicitor and Democratic Services Officer were asked to accompany Members to give advice on any legal points raised and to record the decision.

Following such deliberations, other Officers and members of the public were readmitted to the meeting. The Solicitor reported that she had not provided the Sub-Committee with any specific legal advice on this occasion.

It was unanimously **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 petition received from concerned residents 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 Sub-Committee does not agree to grant all of the matters applied for. The variations are as follows:

*On Mondays to Saturdays an extension of the opening hours until 12.00 midnight;
On Sundays the closing time of 11.00 p.m. will remain.*

The reason for these times are for the Prevention of Crime and Disorder and for the Prevention of Public Nuisance.

Finally I must mention that all parties who are aggrieved at the decision of the Sub-Committee have the 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.

This Decision was made on Tuesday 29 September 2015 and will be confirmed in writing to all parties.”

The meeting was declared closed at 2.44 p.m..

Chairman