



# Licensing Sub-Committee

## Minutes

Wednesday, 23 November 2022 at 14:00

### PRESENT:-

Councillor G Carpenter (in the Chair); Councillors R Hanton & K Robinson-Payne.

Mrs E Hignett (Licensing & Enforcement Officer), Mrs C Webb (Executive Services Officer), Andrea Krout (Democratic Services Officer) and Ms T Koomson (Senior Democratic Services Officer)

Ms Florence Clement-Harry (Solicitor, Nplaw).

Mr Nizamogly (Applicant) & Mr Sutherland (Applicant Representative).

Cllr Walker (Objector)

Mr Pieri (Objector)

### **01 APOLOGIES FOR ABSENCE**

There were no apologies for absence given at the meeting.

### **02 DECLARATIONS OF INTEREST**

There were no declarations of interest given at the meeting.

### **03 APPLICATION FOR A NEW PREMISE LICENCE PIZZA TIME YARMOUTH SHOP 1 23 REGENT ROAD GREAT YARMOUTH**

The Chair asked the Committee to consider a new premises application.

The Licensing & Enforcement Officer Elaine Hignett presented the report and outlined the new premises application. The premise is described as a restaurant and the applicant is also to be the designated premises supervisor. She confirmed that Planning & Building control have advised that current condition is for premises to operate until midnight. She further confirmed that after expiry of the 28-day representation period, four valid representations objecting to the application were received. Two from the local residents, who were unable to be present, but have asked the Committee to consider their written representations. One objection from the local business owner, Mr Pieri (present) and Councillor Wright (present).

Cllr Hanton asked to clarify that this was a new license application for these premises and that there was no other historical or expired license for these premises. The Licensing & Enforcement Officer confirmed that was the case.

The Chair invited the applicant's representative Mr Sutherland to give evidence.

Mr Sutherland confirmed that application is for a new license for the purpose of starting a new restaurant business with both on and off sales of food and drink. He confirmed that the applicant, Mr Nizamoglu, was an experienced and well-established businessman in a Turkish community and that he has established businesses in other areas including Suffolk, Norfolk and Essex. The plan is to operate a restaurant with about 30 covers inside plus a seated table service on the already established outside pavement area. The planned investment for establishing the business is in the region of £50 – £60,000 and, as such, he wanted to reassure the Committee that there is a proper medium to long term business plan in place. Mr Sutherland further referred the Committee to view the proposed conditions attached to the application. He confirmed that the plan is to serve alcohol on premises to the seated customers only, and off premises alcohol sales would be sold in sealed containers as part of take-away and/or delivery services. He suggested that having viewed the objections received to the license application, the applicant would be prepared to amend the proposed licensing hours stated on the application. As such, a new proposal of licensed hours could be amended as Sun – Thursday until midnight with 12.30 a.m. close and Fri - Sat until 12.30 with 1 p.m. close and in addition, the applicant is willing to add a condition to only serve alcohol after 10 p.m. if accompanied with food.

The Chair noted the proposed changes to the application and invited objector Cllr Wright to give evidence.

Cllr Wright first wanted to confirm that despite his surname, he has no link to the restaurant premises next door who have also objected to the application. He also confirmed that he does not know the applicant and his objection did not doubt the applicant's merits in running a business. His main objection is relating to the outside pavement area and late leaving from the premises. The area is a small, closed area surrounded by residential flats. People turning up for late take-aways or leaving the premises will cause noise, and in this particular area, the noise travels and it is likely to cause nuisance to the local residents. Although he welcomed the proposal to attach alcohol sales to food sales after 10 p.m. and amendment on the proposed licensed hours, he is concerned of premises opening any later than past midnight.

There were no additional questions to Cllr Wright and the Chair invited the second objector, Mr Pieri, to give evidence.

Mr Pieri confirmed that he has been running a business in Great Yarmouth since the 80's and he is the owner of the restaurant next door to the premises where the new license is being sought. He confirmed that he is renting a flat above his restaurant to a family. He confirmed that as a businessman, he has no objection to other businesses, but his main concern is the late alcohol sales especially late at night and outside of the premises. He is particularly concerned about the associated nuisance of drunken people and littering. He confirmed that the area is surrounded by flats and on both sides of the street, people are living above the shops. He feels that following his conversations with other residents, there are more objections to this application, but people do not feel confident to come forward publicly or via writing in to the Council. He confirmed that he has always closed his business early to avoid nuisance caused by late alcohol purchases and he is objecting to that this would now be going on next door to his established business. He feels that Regent Street is a pedestrian area designed for daytime, not nighttime business.

Cllr Hanton asked what the licensing hours of his premises are. The Licensing & Enforcement Officer confirmed the licensed hours are until midnight. Mr Pieri confirmed that this might be the case, but he has always closed earlier as different type of clients appeared late at night. He feels that there already is enough nuisance in the area such as littering and anti-social behavior.

The Chair and Cllr Hanton advised Mr Pieri that a Public Space Protection Order is in place which gives the Police powers to deal with public disorder caused by drunken behavior. Cllr Robinson-Payne asked Mr Pieri if he has contacted the Police to deal with such nuisance. Mr Pieri confirmed he had not experienced any recent incidents but confirmed incidents had occurred in the past.

The Chair invited closing statements and confirmed that no further questions could be put forward at this stage.

Cllr Wright summarised his ongoing concern for any opening hours beyond midnight. Although he accepted that there is a Public Space Protection Order in place, once an incident of noise nuisance (or similar) has happened, enforcement to mitigate such behaviour is difficult. Although he was appreciative of some movement by the applicant regarding the proposed licensing hours and conditions, he asked that should the licence be granted with the applicant's proposed amendments, that a condition be added for the licence to be reviewed in twelve months' time.

Mr Pieri confirmed that even with proposed changes to the application, he simply does not agree that alcohol only could be sold to customers seated in the outside pavement area up until midnight, even if only served by waiter service to seated customers and has nothing more to add.

Mr Sutherland confirmed that his client, Mr Nizamoglu has been listening to the discussion and the objections made. He wanted to emphasise his desire to work with the local residents and the community. As such, he would propose an amendment to the licensing hours to be Monday to Sunday until midnight with 12.30 a.m. close. As opposed to proposing conditions to review the license in 12 months' time, they would reserve the right to monitor the trade and may return to committee to vary the conditions of the licence depending on business requirements in the future. This would mean that the new proposed licensing hours would be in line with other local businesses. He further confirmed the previously suggested amendment that any alcohol sales after 10 p.m. would be served with a meal.

Cllr Wright confirmed to the Chair that with those proposed amendments to the licensing hours and conditions, that he would be willing to withdraw his objection.

Members retired to consider their decision in private at 14.45 pm.

The Committee resumed to give their decision in public at 14:52 pm

(Objectors Cllr Wright and Mr Pieri did not return to hear the Committee decision.)

The Chair invited solicitor Clement-Harry to present the following clarifications to the proposed conditions to the applicant before the committee made its decision.

1. Condition 3: to add to the end of the final sentence: '...and will be made available on request to police or licensing authority.'
2. Condition 4: to add to the end of the final sentence: '...as proof of age.'
3. Condition 11 f. to be corrected to refer to 'condition 8 (not condition 25)'

The applicant agreed to the above conditions.

The Chair confirmed that as such, the application has been considered based on the applicant's proposed amendments for Sale of Alcohol, each day, from 10 a.m. to midnight, and late night refreshment, each day, from 11pm to midnight (with 12.30 a.m. close) and with an added condition that during hours of 10 p.m. to midnight, alcohol would only be served ancillary to a meal.

The Chair concluded that following applicant's acceptance of the amended licensing hours and conditions, the Committee confirms that the application be granted.

#### **RESOLVED:-**

That the application for a new premises license be granted as per modified licensing hours and conditions agreed at the meeting.

#### **04 ANY OTHER BUSINESS**

None.

The meeting ended at: 16:00