



# Licensing Sub-Committee

## Minutes

Wednesday, 22 November 2023 at 10:00

**PRESENT:** - Councillor Annison (in the Chair), Councillors G Carpenter, Stenhouse, Jeal and Robinson-Payne.

Also in attendance at the above meeting were:

Mrs E Hignett (Licensing Officer) and Mrs R Thomson (Democratic Services Officer)

Mr D Lowens (Solicitor, Nplaw) and Mr C Walsh (Apprentice Solicitor, Nplaw)

Mr P Loureiro (Director of the applicant company) and Mr P Waters (Character Referee for Mr P Loureiro)

### **01 APOLOGIES FOR ABSENCE**

There were no Apologies for Absence at this meeting.

### **02 DECLARATIONS OF INTEREST**

Councillor G Carpenter declared a personal interest as Norfolk County Councillor for the area in which the premises is located.

Councillor Jeal declared a personal interest as he was previously a customer of the character referee, Mr P Waters.

### **03 APPLICATION FOR A NEW PREMISES LICENCE: BRAZILIAN LOUNGE, UNIT 3, ESTCOURT ROAD, GREAT YARMOUTH, NR30 4JQ**

The Committee received the report from the Licensing Officer, Mrs E Hignett. Members were asked to consider an application made by Support Clix Ltd for a new

premises licence in relation to Brazilian Lounge, Unit 3, Estcourt Road, Great Yarmouth. The premises was described as a coffee shop selling hot and cold drinks, alcohol, food and snacks. The applicant had applied for the following licensable activities and timings:

*Supply of alcohol (on and off the premises) and recorded music (indoors) – 09:00 to 00:00 (Tue – Thur & Sun), 09:00 to 01:00 (Fri & Sat)*

*Late night refreshment – 23:00 to 00:00 (Tue – Thur & Sun), 23:00 to 01:00 (Fri and Sat)*

*Seasonal variation for all licensable activities – 01:00 close between 1 April and 1 October depending on public demand and growth of the business.*

*Non-Standard timing – 01:00 close on special occasions, Halloween, New Year, Easter, Christmas and other thematic events.*

The Licensing Officer advised that the application was sent to the Responsible Authorities and advertised by notice at the premises, in a newspaper and detailed on the Council's website. It was noted that upon expiry of the 28-day representation period, one representation objecting to the application was received from a member of the public.

Members were asked to decide on one of the following options:

- Grant the application subject to the conditions identified in the operating schedule and modified to such an extent at the authority considers appropriate for the promotion of the licensing objectives.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- Reject the application.

The Chair asked Members if they had any questions for the Licensing Officer – there were no questions at this time.

The Chair hereby called Mr P Loureiro (Director of the applicant company) to address the committee on behalf of the applicant company.

Mr P Loureiro explained that the intention of the business was to serve alcohol with food and to play ambient music at a low background level using a residential sound system. It was noted that the objector lives nearby and has raised the issue of car noise in the area, however Mr P Loureiro states that this is not directly related to his business. Mr P Loureiro advised Members that he would be happy to answer any questions that they may have.

Councillor G Carpenter requested clarification on what the primary objective of the premises is, in particular whether the intention was for the business to be a café that served alcohol or an alcohol centred business. Mr P Loureiro clarified that alcohol would be served with meals and that there was no intention for the business to become a destination for drinking.

Councillor Jeal asked what kind of music would be played within the café. Mr P Loureiro explained that there would be ambient Brazilian music to accompany the Brazilian food served from the kitchen.

Councillor G Carpenter commented that the seasonal variations from 1<sup>st</sup> April to 1<sup>st</sup> October for 'thematic events' was vague and therefore requested clarification on what this meant. Mr P Loureiro stated that non-standard timings have been requested for 'thematic events' such as Valentine's Day and that this would be in addition to

traditional holidays such as Christmas and New Years Eve. It was added that these 'thematic events' would be special days that the business feels the public would like to attend and that there are currently not many examples as the café is currently closed due to low demand in the winter months. Councillor G Carpenter also asked if the café would be hosting private functions. Mr P Loureiro stated that there are currently no plans to host private functions at the café.

Councillor Robinson-Payne asked whether Mr P Loureiro had experience in running a café. Mr P Loureiro stated that he has not run a café before, however his wife has and she would be involved in the running of the business. Councillor Robinson-Payne also asked why Mr P Loureiro chose to open a café in this area. Mr P Loureiro explained that he was renting the unit for storage before it was a café, however his wife fell ill and was working at a factory which was becoming increasingly difficult for her to manage, so he decided to open a café in his unit so that she could work there. Councillor Robinson-Payne requested clarification on whether additional staff would be employed. Mr P Loureiro clarified that there would be hired help in busy periods.

Councillor Jeal requested clarification on the dates in which the unit was transformed and when trading in the café began. Mr P Loureiro confirmed that the unit was transformed into the café in September 2022 and that trading began in March 2023.

The Chair hereby invited Mr P Waters (character referee for Mr P Loureiro) to address the committee.

Mr P Waters stated that he runs a business in the unit next door to the café and has a positive relationship with Mr P Loureiro, who he described as a genuine person. It was added that the clientele that have frequented the café since it opened in March 2023 are not the kind to cause trouble and there have been no issues, though he was confident that Mr P Loureiro would be able to deal with any issues that may arise.

Councillor Robinson-Payne asked Mr P Waters how long he has been in business and the nature of his business. Mr P Waters explained that he has been in business for 30 years and that he trades in electrical goods for vehicles.

The Solicitor stated that the application is vague in parts and that the information would need to be clarified before the Committee could consider whether or not it should be granted. The Solicitor asked, in respect of the hours for the non-standard timings and seasonal variations, whether the request was for the licensable activities to start at 9:00am in one day and finish at 1:00am the following day – Mr P Loureiro confirmed that this was the case.

The Solicitor raised the request for recorded music and stated that if this is intended to be no more than background music then no licence is required for it. Mr P Loureiro stated that the intention is to play music that still allows patrons to chat at their table. The Solicitor suggested that the section of the licence allowing recorded music may not be necessary if patrons would not need to raise their voices to talk over it. Mr P Loureiro stated that this could be removed from the licence as it is not needed. Mr P Waters added that the music in the café is not audible from his unit next door. The Solicitor confirmed that section F had been withdrawn from the applications. The Solicitor requested clarification on what days in Easter the non-standard timings would apply to. Mr P Loureiro clarified that the intention is to have the non-standard timings for the whole of the Easter Weekend including Good Friday and Easter Monday.

The Solicitor referenced the report and asked regarding the accuracy of the planning permission that does not allow for opening on Sundays. Mr P Loureiro stated that this is currently in place, however an application will be submitted to amend the planning

permission.

The Solicitor suggested that the special occasions and 'thematic events' be specified to avoid confusion. Mr P Loureiro confirmed that this would include Christmas Eve, Easter Weekend, Halloween, Valentine's Day and New Years Eve.

The Members retired to consider their decision in private at 10:24.

The Committee resumed to give their decision in public at 10:36.

The Chair hereby invited the Solicitor to confirm the decision. The Solicitor explained that the Committee had considered all evidence presented before them both in the agenda report and the representations made at the meeting. It was added that the Committee had made the decision to approve the application as amended in respect of timings. The end time for licensable activities is to be specified to midnight on all days, except for special occasions (Christmas Eve, Valentine's Day, Halloween, Easter Weekend and New Years Eve) in which licensable activities will end at 1:00am. The Solicitor added that all other non-standard days/hours were refused and there were no additional conditions imposed. The Solicitor advised Mr P Loureiro of the applicant's right to appeal should he not be happy with the decision made by the Committee.

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

There was no other business discussed at this meeting.

The meeting ended at: 10:39