

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Wednesday, 15 August 2018

COUNCILLORS PRESENT: Councillors Sargeant, Beardsworth and Walker

OFFICERS: Ian Ellis (Senior Licensing Enforcement Officer)
Clive Tobin (Litigation & Licensing Solicitor)
Ed Bostock (Democratic Services Officer)

FOR THE APPLICANT: John Birch (Licensing Consultant)
Cahit Meneske (DPS & applicant)

1. WELCOMES

The Chair welcomed everyone to the meeting.

2. DECLARATIONS OF INTEREST

There were none.

3. VARIATION OF PREMISES LICENCE APPLICATION

The Senior Licensing Enforcement Officer reported that a member of the public who had submitted a representation was unable to attend the Sub-Committee but asked that the letter be taken into consideration by Members.

The Sub-Committee heard that an application to vary the premises licence for The Turkish Social Club was received on 3rd July 2018 from John Birch on behalf of the applicant and DPS Cahit Meneske. An existing premises licence was granted on 8th April 2014. Through the application Mr Meneske sought to extend the single storey floor to the rear of the existing to create a larger space for licensable activities, also the creation of an outdoor smoking area for alcohol consumption and use of the basement for pool and similar activities. An obligatory notice was fixed to the premises on 14th July 2018 and during the 28 day period it was on display, representations were made by a local resident and by Environmental Health. However, an agreement was reached between the latter and the applicant, resulting in Environmental Health withdrawing their objection. Members were asked to note paragraph 7.2 of the report which explained that it was for them to determine what conditions be added to the licence.

John Birch, on behalf of the applicant, addressed the Sub-Committee and pointed out that no comments had been received from the Fire & Rescue Service, Public Health and Children's Service. Mr Birch explained that the exit to the premises was to be moved away from the street front; the application would improve the premises both commercially and in terms of neighbour relations. Mr Birch noted that although times granted for licensable activities were permitted until 2am every day, it was normal practice for the business to be closed at, or before, midnight on most days. He advised that to the best of his knowledge, no letters had ever reached the premises regarding noise generated but stated that moving the smoking area from the street front would solve any potential noise problems as well as litter created by people dropping cigarette ends on the floor. Mr Birch advised that the applicant could provide 3 or 4 parking spaces to the rear of the business, but that it was not the type of place that people drove to.

In response to a question, Mr Birch stated that at the time of the original application, maximum opening times were applied for and granted and reiterated his point about the

business being closed before 2am most days.

Mr Birch explained that a fire risk assessment had been carried out for the basement and that Northamptonshire Fire & Rescue had made no comments in relation to the application to vary the licence.

The Solicitor advised Members of their choices and explained that they had powers to impose conditions to secure compliance with the licensing objectives, including regulating the use of the smoking area. He suggested that Members may wish to consider the applicant's offer of creating several parking spaces at the rear of the premises. He also stated that the planning application made in relation to the proposed extension would be considered separately under different criteria and that, even if the application to vary the licence was granted, it could not be implemented unless or until the planning application was approved.

Members retired at 10:40 to make a decision.

The meeting reconvened at 11:11.

RESOLVED:

The Licensing Sub-committee carefully considered the following:

- The application received from Mr. Menekse ("the Applicant");
- The representation received from an occupier of nearby premises;
- The report prepared for the hearing;
- Oral representations by Mr. Birch on behalf of the Applicant;

The person who made the representation was not present at the hearing and advised the Senior Licensing Enforcement Officer that they were unable to attend.

The Sub-committee received legal advice as follows:

1. the options available to them under section 35(4) of the Licensing Act 2003 and as set out in the report;
2. that although the Applicant has stated that they agree to the conditions suggested by Environmental Health, it is for the Sub-committee to decide whether they should be attached to the licence;
3. that although the person making representations was not present, the representation which they made should still be considered.
4. that although consumption of alcohol is not a licensable activity, the Sub-committee may still attach conditions to the licence to address any problems caused by the use of the outside smoking area;
5. that the Sub-committee may consider the offer made by the Applicant to provide car parking spaces at the side of the premises for customers, to use which may address some of the concerns raised in the representation;
6. that the opening hours for the premises are beyond the scope of the application before the Sub-committee since they are already attached to the licence;
7. that the Planning application is separate from the application to vary the licence and that each is considered against different criteria; and,

8. The Sub-committee should not seek to duplicate provisions of other legislation which applies to the premises, for example the provisions of the Regulatory Reform (Fire Safety) Order 2005.

The Sub-committee decided to:

- Grant the variation to the premises licence;
- Add the conditions suggested by Environmental Health and agreed by the application, subject to minor amendments (which are set out below);
- Add a condition to the licence to address the matters raised in the representation; and,
- Advise the Applicant that, even though they were granting the application to vary the licence, it was still necessary for the Applicant to obtain the necessary planning permission to undertake the works concerned and use the building as intended.

Accordingly, the Sub-committee decided that conditions should be added to the licence as follows:

- (a) The smoking area shall not be used after 11.00 p.m. on any day.
- (b) All doors and windows at the rear of the premises shall be kept closed after 11.00 p.m. from Monday to Saturday and after 10.00 p.m. on Sundays and Bank Holidays other than when it is necessary to allow access and egress of people to and from the premises. Doors must be closed immediately afterwards.
- (c) Signs shall be placed in the premises to advise customers to consider neighbouring occupiers and not to cause noise nuisance whilst in the smoking area. The Applicant may wish to display signs in both English and Turkish. Staff shall also monitor the smoking area.

The reason for the Sub-committee's decision is to prevent nuisance being caused to occupiers of nearby premises.

The Applicant or those who made representations may appeal against this decision to a magistrate's court within 21 days of the date this decision is served on them.

The meeting concluded at 11:13 am