

MINUTES of a meeting of the LICENSING SUB COMMITTEE held in the Council Offices, Coalville on MONDAY, 16 JULY 2018

Present: Councillors J Clarke, V Richichi and A C Saffell

Officers: Mrs L Arnold, Mr P Dennis, Mr T Pickwell and Mrs R Wallace

Interested Parties: Mr M Bhella (Applicant), Mr Blaza, Mrs Blaza, Councillor J Geary, Mr R Patel (Applicant's Representative), Ms K Rennocks, Mrs K Wade, Mr Williamson and Mrs Williamson

## **1 ELECTION OF CHAIRMAN**

It was moved by Councillor J Clarke, seconded by Councillor V Richichi and

RESOLVED THAT:

Councillor A C Saffell take the chair for the remainder of the meeting.

## **2 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **3 DECLARATION OF INTERESTS**

There were no declarations of interest.

## **4 APPLICATION FOR A PREMISES LICENCE**

The Chairman introduced the parties and outlined the procedure to be followed.

The Hearing Regulations 2005 stated that the Authority must allow parties an equal period of time in which to present their evidence. It was agreed that the maximum time limit for each presentation be ten minutes.

The Licensing Enforcement Officer presented the report to Members, highlighting background information and representations received.

At this point a number of questions were asked by the interested parties to the Licensing Enforcement Officer. As the questions were aimed at the applicant, the procedure for the hearing was explained and they were advised to ask the questions again at the relevant time.

Mr R Patel, representative of the applicant, addressed the Sub Committee. He explained that the building had been derelict for a number of years and the applicant had invested in the region of one million pounds to set up the business. With regard to the objections on the grounds of noise and prevention of crime, he commented that the business was essentially a bed and breakfast, therefore the creation of noise would not be in the applicant's best interest as it would disturb the guests. Mr R Patel drew Members attention to the amended timings for all licensable activities following discussions with responsible authorities as detailed within the report. Regarding the concerns of people loitering outside the premises and a risk of an increase in local crime, he assured Members that the business was a restaurant with drinking facilities in a family based setting, this behaviour was not expected. He also reminded Members that there had been no objections from the police. Regarding the parking concerns, Mr R Patel reported that there was a substantial amount of parking on site.

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Councillor V Richichi commented that he did not believe it was necessary to include live music on the application as this would surely disrupt the guests, especially until 1.00am. He also believed that serving food to take away until 1.00am would also cause similar disruption. Mr R Patel responded that the hours applied for was to provide flexibility for the business, especially at the weekend when local people may want to visit the premises. He confirmed that there would not be a takeaway service and the music within the premises was to provide background music for customers while dining only.

In response to a question from Councillor J Clarke, Mr M Bhella, the applicant, reported that there would be no live musicians playing in the premises, only low levels of recorded music.

Councillor J Geary, Ward Member, questioned the substantial parking at the premises as he believed that the conditions as part of the planning permission allowed spaces for the bed and breakfast guests, not the restaurant. He advised the applicant to confirm this with the Planning Department. The Legal Advisor stated that it was for the applicant to ensure that the proper permissions were in place and therefore agreed it was in his best interests to confirm the matter with the Planning Department.

Ms K Rennocks, interested party, referred to the activities such as plays, films, live music and performance of dance as applied for and asked what the applicant had planned. Mr M Bhella confirmed that there was no intention to hold any of the above activities.

Mrs Blaza, interested party, asked where guests and customers would be able to smoke. Mr M Bhella explained that there would be a designated smoking area by the entrance to the building with ashtrays. Mrs Blaza strongly expressed her concerns with proposed arrangements, as it was customers smoking outside that caused problems previously due to smoke and noise coming through her windows late in the evening. Mr M Bhella assured Mrs Blaza that he would do all he could to reduce the noise as it was in his interest to do so due to the guests on site.

Regarding the parking provision, Councillor J Clarke asked the applicant to confirm the number of spaces available. Mr M Bhella responded that there were currently 13 parking spaces and it was his intention to use the road that runs alongside the premises for more. Mrs Blaza believed that the road was a service road for local residents to access the rear of their properties. The applicant responded that he legally owned the road as part of the purchase of the property. The Chairman suggested that the applicant seek legal advice on the matter as there could be a public right of way on the road and therefore using it for parking may not be possible.

Councillor V Richichi accused the applicant of removing activities from the application as they were being discussed due the controversial nature. Mr R Patel disagreed and explained that the applicant had not taken any professional advice prior to submitting the application and therefore used a template with standard wording which was not quite accurate.

For clarity, the Legal Advisor confirmed with the applicant that the following activities were not required and therefore to be removed from the application:

Section A – Plays

Section B – Films

Section E – Live music

Section G – Performances of dance

Section H – anything of a similar description to sections E, F or G

The following activities were being applied for:

Section F – Recorded music (indoor only)

Section I – Late night refreshment (indoor only)

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## Section J – Supply of alcohol (indoors and outdoors)

Ms K Rennocks asked how many rooms would be available and how many parking spaces would be used by staff. Mr R Patel confirmed that there would be 16 rooms but there was not an expectation that they would be full 100 percent of the time. He added that if parking for guests became an issue they could remove the facility as it was common for hotels to not include parking. He reported that staff would not be provided with a parking space.

Ms K Rennocks commented that as a resident of Belvoir Road she was aware of the parking problems already in the area and raised concerns that this would only add to the problem, especially if staff and customers were not able to park at the premises. She suggested that the area become permit holders only. The Chairman explained that unfortunately permits for parking was a County Council issue. Mr R Patel commented that it would be a luxury to have full rooms and a full restaurant so he would not expect any issues with parking.

Councillor J Geary believed that the planning permissions specified one parking space per room and if that was not adhered to then there could be repercussions.

Mr Williamson, interested party, addressed the Sub Committee. He asked that Members consider restricting the hours for the sale of alcohol as he felt it was unnecessary, especially from 7.00am. He also raised concerns regarding the parking facilities as he did not believe there was enough room for 13 spaces. He also asked how local residents would access the rear of their properties if the service road was used for parking. Mr M Bhella responded that he would ensure that local residents had access. Mrs K Wade, interested party, challenged the comment as the applicant had erected fences and displayed notices regarding access. Mr M Bhella clarified that the fences would be removed and a small wall erected, the area would still be open for access. Regarding the request to Members to restrict the operating hours, Mr R Patel explained that the operating hours allowed for flexibility, especially as there would be overnight guests on the premises.

Councillor J Geary, Ward Member, addressed the Sub Committee. He reminded Members that the area was a densely populated area with a large number of elderly residents. He reported that when the public house previously on the premises closed down a few years ago, local residents were relieved due to the anti-social behaviour it created. After what he had heard during the meeting, he was pleased with the applicant's intentions and was satisfied that it would not be the same establishment as before. His main concern was the operating hours applied for. He was pleased that a compromise had been made after discussions with the responsible authority but felt that a closing hour of 11.00pm during the week would be more appropriate than midnight. Mr R Patel, reiterated that after discussions with the responsible authority it was agreed that midnight would be reasonable and they had been no further objections. Councillor J Geary commented that he was aware of the difficulties in making people leave a premises after closing time and was concerned that closing at midnight would lead to noise for the residents nearer to 1am. Finally, he requested that Members consider the addition of a condition requesting security on the door any time the premises was open after midnight to assist in the reduction of noise levels as customers were leaving the premises.

Ms K Rennocks, interested party, addressed the Sub Committee. She questioned if the applicant was removing the provision of live music from the application because a licence was not required before 11.00pm. She informed Members that there was also many young families in the area and loud noise levels were very disruptive for children sleeping. She commented that the latest licence in Coalville Town was for 1.00am and most weekends there was an issue of some kind which would result in the police being called to the scene. She also questioned the type of clientele the applicant was trying to attract as

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the previous public house sold very cheap alcohol which attracted lots of anti-social behaviour. She asked if there would be air conditioning in the restaurant which would remove the need to keep the windows open and also if there would be soft closing doors to restrict the noise. She concluded that she was often in bed by 10.00pm due to working early in the morning and was concerned about the noise levels the premises could produce. Mr R Patel reported that the building was state of the art and many measures had been put in place to ensure that noise levels were as low as possible. He reiterated that the police had no concerns regarding the proposed operating hours. Regarding the business clientele, Mr R Patel commented that the applicant had invested heavily into the business which would supply a high standard of food and drink and therefore at a higher price. He assured all present that it would be a very different establishment as it was a restaurant not a public house. He added that there was no intention to have live music on the premises.

Mrs Blaza, interested party, informed Members that there had been a lot of issues with the premises previously which had affected her health and she was very concerned that this would reoccur.

Mr R Patel and Councillor J Geary gave brief closing statements reiterating points previously made.

At 7.40pm the Sub Committee adjourned to consider its decision. The Sub Committee reconvened at 7.53pm.

REOLVED THAT:

The amended application be granted with the following condition:

The timings for all licensable activities (as amended) are:-

Sunday to Thursday 07:00hrs – 23:00hrs

Friday to Saturday 07:00hrs – 01:00hrs

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.55 pm

Chairman's signature