



To be submitted to the Council at its meeting on 27th July 2023

LICENSING SUB-COMMITTEE

14th February 2023 at 10.00am

Present:

Councillors Hasthorpe, Silvester and K. Swinburn

Officers in attendance:

- Linda Milner (Licensing Enforcement Officer)
- Sophie Pickerden (Committee Support Officer)
- Jo Bennett (Licensing Enforcement Officer)
- Eve Richardson-Smith (Deputy Monitoring Officer)

Others in attendance:

- Samantha Lawler (Applicant's Partner)
- Richard Baxter (Representative)
- Joanne Piggott (Representative)

There were no observers and no members of the press in attendance.

LSC.13 APPOINTMENT OF CHAIR

RESOLVED – That Councillor Hasthorpe be appointed as Chair for this meeting.

COUNCILLOR HASTHORPE IN THE CHAIR

LSC.14 DECLARATIONS OF INTEREST

There were no declarations of interest received in respect of any item on the agenda for this meeting.

LSC.15**APPLICATION FOR A NEW PREMISES LICENCE AT –
2-4 ST PETERS AVENUE, CLEETHORPES DN35 8HH**

The Chair introduced himself, the other members of the sub-committee, and the officers present.

The sub-committee considered an application for a new premises licence in respect of the Premises at 2-4 St Peters Avenue, Cleethorpes DN35 8HH.

Ms Richardson-Smith outlined the preliminary legal issues in relation to the bundle of papers, additional evidence served and the process to follow for the hearing. Ms Richardson Smith summarised the application for a new premise licence. She said that conditions had been agreed by the applicant in co-ordination with Humberside Police. Ms Richardson Smith stated that there had been no representations received by responsible authorities, but that four representations had been received from members of the public. She stated that a further two representations had been received but were not within the consultation time frame.

The Chair asked Ms Lawler to address the sub-committee.

Ms Lawler said she was attending the sub-committee on behalf of the applicant. She said he was hoping to open a Turkish restaurant. She said they had wanted to have the premises open later as this would give an Eastern European feeling to the restaurant. Ms Lawler stated that they would be closing the restaurant at 11.00pm and that there would only be alcohol sold on the premises. She said they had been advised to include a provision for the outdoor sale of alcohol on their application but would only be selling alcohol on the premises. Ms Lawler said that alcohol would only be sold to customers who were ordering food.

Ms Richardson Smith stated that had been included as a condition attached to the licence. Ms Lawler confirmed that it was a condition, and that people would not be able to order alcohol without ordering food. Ms Richardson Smith sought clarification that the applicant wanted to open the restaurant until 11.00pm but wanted to open later for special occasions. Ms Lawler said that this had been discussed with Ms Milner. Ms Richardson Smith advised that where necessary premises can ask for temporary event notices for special occasions and this could allow them to open for longer hours. Councillor Swinburn queried whether the applicant wanted to play music at the restaurant. Ms Lawler clarified that they were asking to play background music and she said it would not be loud music. Ms Richardson Smith stated that a condition had been agreed with the Environmental Protection Team for doors to be kept closed. The Chair queried why the application had included that music be allowed at a later time. Ms Lawler said that it was requested to allow staff to listen to music as they were

closing the restaurant. The Chair queried what constituted a late-night refreshment. Ms Lawler said she was unsure. Ms Richardson Smith said that it had to be hot food and it did not require a licence until after 11.00pm. The Chair queried the disposal of bottles between the hours 11.00pm and 7.00am. He said he thought 7.00am was early to dispose of bottles due to the noise it could make. Ms Lawler said that they would not dispose of empty bottles at 7.00am out of respect for other people and would be happy for the hours to be amended. Ms Richardson Smith queried whether that would cause any issues with a company they were using for disposal. Ms Lawler confirmed it would not. Ms Richardson Smith asked if a name for the premises had been decided. Ms Lawler confirmed it had not been decided yet.

The Chair asked Mr Baxter to address the sub-committee.

Mr Baxter said he was speaking on behalf of Ms Piggott. He said she had a business next door to the premises on Isaacs Hill. Mr Baxter said they did not object to the conversion of the premises in principle but were concerned about the sale of alcohol until 1.00am. Mr Baxter said that in the United Kingdom, people did not typically go out for meals as late as 11.00pm. He said that it was their fear that the premises would morph into a late-night venue for drinking. Mr Baxter said that the location of the premises had leapt across from a commercial area to also a residential area. He stated that there was a residential home close by for the elderly, many suffering with dementia. Mr Baxter stated that he and Ms Piggott believed that any late night drinking could cause anti-social behaviour and bring it into a residential area.

The Chair asked Ms Piggott to address the sub-committee.

Ms Piggott stated that she had no objection to the restaurant but had concerns over the lateness of the licence. The Chair queried what time Ms Piggott would view as acceptable. Ms Piggott said that the Beach establishment had a licence for early hours of the morning and now the Bed and Breakfast establishments could not have the windows open. She said that there had been lots of anti-social behaviour and was concerned that it was now moving over onto the other side of St Peters Avenue. She said that the noise would have an impact and the anti-social behaviour was already not pleasant. Ms Piggott stated that she did not want it on her doorstep. Councillor Swinburn queried whether Ms Piggott would object to the premises being open until 11.00pm. Ms Piggott said that she would not object to that time. Councillor Swinburn queried what Ms Piggott would find acceptable in terms of special occasions. Ms Piggott asked Ms Richardson Smith whether there was a limit to how many times they could apply for temporary event notices. Ms Richardson Smith said that the maximum was 20 in any one year for a single premises. Ms Piggott asked whether neighbours would have to be informed. Ms Richardson Smith said

they would not have to be informed by the applicant but that responsible authorities such as Noise Pollution would be, and they would consider whether they had an objection. Mr Baxter stated that they would not want temporary event notices being allowed every weekend.

The Chair invited all parties to make their closing statements.

Ms Lawler stated that the police had given them specific conditions to not turn the restaurant into a nightclub. She said that they did not disagree with the police as they didn't want a nightclub. Ms Richardson Smith said that the original application that had been submitted had looked like a nightclub application. Ms Lawler said it was the first time the applicant had filled in an application of this kind.

Ms Piggott said that she had undertaken some canvas work and had started a petition and had 73 signatures in agreement with her about not wanting late night drinking until 1.00am.

The sub-committee withdrew to deliberate. After an interval, the sub-committee returned to the meeting.

The Chair stated that the sub-committee applauded the opening of a new exciting restaurant for Cleethorpes and the surrounding area and wished them every success with their new venture. He said it was refreshing to see that both parties were reasonable and amenable. The Chair said that the sub-committee was happy to grant the licence, subject to the conditions laid out and with the added condition that all activities were limited to closure at 11.00pm, other than on New Year's Eve, which would be 1.00am and that the disposal of bottles should not take place between 9pm and 8am. The Chair stated that temporary event notices could be applied for at other times as and when necessary. The Chair stated that the sub-committee noted that the premises fell within a cumulative impact zone, but with the addition of conditions, the applicant had demonstrated that there would be no negative impact to the licensing objectives. The Chair concluded that it should also be remembered that the power of review existed for any licenced premises that did not operate in a way that promoted those licensing objectives.

RESOLVED – That the application for a new premises licence be approved with the conditions outlined in the papers and the added conditions:

1. That the sale of alcohol and amplified recorded music ceases at 11.00pm, except for New Years Eve where these activities must cease at 1.00am.

2. Disposal of empty bottles into waste receptacles outside the premises will not be permitted between 2300 hours and 0800 hours to minimise disturbance to nearby residents.

There being no other business, the Chair thanked those in attendance for their contributions and concluded the meeting at 10.54 a.m.