

## Minutes of the Meeting of the Licensing Sub-Committee held on 7 November 2024 at 7.00 pm

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<b>Present:</b>	Councillors Aaron Green, Tony Fish and Roy Jones
<b>In attendance:</b>	Paul Adams, Principal Licensing Officer Lois Bland, Legal Support Officer Godwin Mangse, Legal Advisor Applicant Minute Item 17 Applicant's Legal Representative Councillor Sue Shinnick, as an Interested Party Councillor Valerie Morris-Cook, as an Interested Party Interested Party - 2 x residents Emma Trencher, Senior Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **15. Items of Urgent Business**

There were no items of urgent business.

### **16. Declarations of Interests**

Councillor Sue Shinnick, who was in attendance as an Interested Party, declared she was the Ward Councillor for Item 4 on the Agenda.

### **17. Determination of an application for a new premises licence**

The Chair of the Sub-Committee advised all present of the process of the hearing. He then invited the Licensing Officer to introduce the report as outlined within the agenda.

Members and all parties were provided the chance to ask questions of the Licensing Officer.

- Clarification was given to Members regarding the sale of alcohol on and off the premises.
- Following a question from Members, it was confirmed by the Licensing Officer that the Licence being applied for was for shorter hours than the previous licence that had been granted to the premises.
- Following a question from an Interested Party, the Licensing Officer confirmed the premises had previously been licenced until 2.00am. This licence had been granted to the previous proprietor and had transferred to the current proprietor. It was further advised, for technical administrative reasons this licence had lapsed and on

discovery of this lapse, the premises had been granted, and had been operating under a basic 11.00pm alcohol licence. The application being heard before the Sub-Committee was for a new licence for extended hours and better terms which included regulated entertainment and regulated sale of alcohol for longer hours than the current 11.00pm licence.

- Following a question from the Applicant's Legal Representative, the Licensing Officer confirmed that environmental health, public health, the Police and the Licensing Authority were consulted in relation to the application, in accordance with legislation, and had not raised any objections or made representation.

Members then heard from the Interested Parties who were then given the opportunity to present their case during which the following was highlighted:

- Objections were received from the Interested Parties on the grounds of public nuisance, in particular in relation to the number of parked cars in the vicinity of the restaurant. It was felt inconsiderate parking from patrons of the restaurant were causing anti-social behaviour to the residents who lived near to the premises.
- Objections were raised in relation to noise and littering in the vicinity of the premises and the adverse effects this had on the residents.

*The meeting was adjourned at 7.35pm to allow the Sub-Committee time to consult with their legal representative. The meeting reconvened at 7.47pm.*

*Points of law were clarified to all present regarding representation.*

- The Interested Parties questioned the suitability of the location of the premises as it was felt this type of establishment should not be in a densely populated residential area.
- The Interested Parties agreed the Applicant should have a licence granted, however, felt it was unfair on residents to grant a licence until 1.00am, and 2.00am on public holidays, and a licence until 11.00pm would be considered reasonable.
- The Interested Parties claimed there was little respect given to residents or their families by the restaurant owner or its patrons and the anti-social behaviour was affecting the well-being of the residents.
- The Interested Parties expressed their concerns over the smell of food emanating from the restaurant every day and the effects this had on residents.

Members were invited to ask questions of the Interested Parties.

- Following a question from Members, the Interested Parties confirmed since the restaurant had expanded, the anti-social behaviour had increased. The Interested Parties advised, they did not want the

business to close, but wanted to find a solution to co-exist with the business to benefit all parties.

- Clarification was given by the Interested Parties, following a question from Members, how complaints had been made and recorded.
- Interested Parties advised that the removable roof that had been installed at the premises had made the noise problems worse, especially in the summer months.
- All Interested Parties individually confirmed, following questions from the Applicant's legal representative, how many times they had contacted environmental health in relation to noise nuisance. Clarification was also given by the Interested Parties as to what issues they had made complaints about regarding the Applicant's business and what the outcome had been.
- Clarification was sought by the legal representative if the Councillor making representation had witnessed the anti-social behaviour personally or was she representing what had been told to her by residents.

*The meeting was adjourned at 8.30pm and reconvened 8.38pm*

The Applicant, through its legal representative, presented their case. The Sub-Committee were asked to note:

- That only representation and information that had been disclosed in advance of the hearing should be taken into consideration when making a decision with regard to the licence application.
- That the Council's environmental health had not made any representation.
- The police had not made any representation on crime and disorder at the premises.
- The Licensing Authority could have made representation of any known anti-social behaviour, complaints or any matters undermining the licensing objectives, which they would have been duty bound to make, but it was noted, they had not made representation.
- The legal representative referred the Sub-Committee to points of law under the statutory guidance (Clause 9.12 of Paterson's Licensing Act 2004).
- The legal representative advised the Sub-Committee that the noise team had visited the premises and measured the music noise and they had raised no concerns.
- It was further advised the environmental health team had visited the premises to measure the extractor fan system and had raised no issues.
- The legal representative advised the restaurant had not been served with any abatement notice in relation to pollution or noise.
- A brief history of the premises and a detailed summary of the area was given to the Members of the Sub-Committee.

Members were invited to ask questions of the Applicant.

- Members asked for clarification of whether an entertainment licence was held by the premises.
- Following questions by the Members, the Legal Representative reiterated the licence that had been held by the current Applicant and previous proprietors, had licensing hours up to 2.00am and the licence that was being applied for was for shorter licensing hours up to 1.00am.
- The legal representative, following questions by Members, advised that outside of the meeting, a discussion could take place between the Applicant and residents regarding the lighting of the premises as it was acknowledged this could be viewed as intrusive. However, it was further advised that the lighting on and around the premises was subjective and could not be grounds for refusing the licence.
- Members sought clarification on what parking problems the Applicant was aware of that they referred to in their representation.

*At 9.14pm Standing Orders were called, and it was agreed the meeting would continue until the end of business.*

- The Interested Parties questioned how many covers the restaurant had been extended to. The legal representative advised this question was irrelevant as the premises were licenced and not how many covers the restaurant had. Clarification was given that there was constant movement in covers that was organised and managed through the booking system.
- The legal representative, following a question from the Interested Parties, advised any noise in the car park was not in their control, however, they did agree to look at working with the restaurant's neighbours to see if there were any measures that could be put in place to secure the car park out of hours and when the restaurant was not trading.

*The meeting adjourned at 9.25pm and reconvened at 9.31pm*

The Licensing Officer was invited to summarise its case, referring the Sub-Committee to the Guidance and attention was drawn to Section 9.42-9.44.

The Interested Parties summarised their case, drawing attention to their concerns around noise, parking and expressed they felt to extend the licencing hours beyond midnight would be unnecessary for a restaurant.

The legal representative for the Applicant was invited to summarise its case. The legal representative reiterated what had been said previously, asking the Sub-Committee to consider no evidence had been brought to the Sub-Committee and therefore asked that representation from Councillors who had spoken on behalf of Interested Parties be considered as hearsay. The legal representative also advised that the issues raised concerning parking was not a licensing matter and fell under planning rules. However, he did agree the Applicant would take the views of the

residents away and would consider what, if anything, could be done to alleviate the parking concerns. The legal representative also asked that the Sub-Committee had regard to the previous permitted licence for the premises which had been in place for 15 years and this licence had only been removed for technical administrative reasons.

The Chair sought everyone had said all they wished too; it was agreed they had. The Chair advised all present that the Sub-Committee would retire to consider its decision and would be accompanied by the Legal Advisors and the Democratic Services Officer. The Chair further advised the meeting would close at this time and the decision of the Sub-Committee would be communicated to the Applicant in writing within 5 working days. The Chair felt it was appropriate to allow sufficient time in which to consider its decision.

**RESOLVED:**

**The Applicant was advised on 11 November 2024 that the Licensing Sub-Committee's decision was to grant the application.**

**It was further advised, whilst not part of their final decision, the Licensing Sub-Committee reminded the premises licence holder that complaints of noise nuisance and anti-social behaviour were always taken seriously and noted that should any future issues arise from the operation of this licence then residents, Councillor's, or Responsible Authorities could make an application for a licence review at any time.**

A full recording of this meeting can be found from the following link: [Thurrock Council - Licensing Sub-committee, 07/11/2024](#)

**The meeting finished at 9.40 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**