

LICENSING SUB-COMMITTEE HEARINGS

28 JUNE 2013

Present :- Councillor Nick Cope (Chairman)
Councillors Mary Blandon and Brian Jarvis

1. Appointment of Chairman

Resolved that Councillor Cope be appointed Chairman for the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Applications under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

- Bungalow Diner, 45 London Road, Marks Tey

The Sub-Committee considered an application to vary the premises licence in respect of the Bungalow Diner at 45 London Road, Marks Tey for a new premises licence.

In Attendance

Applicant Mr Hook, solicitor and advocate for the applicant
Mr M Rahman

Licensing Authority Mr M Nelson, Food Safety and Licensing Manager
Mr C. Samuel, Legal Services
Mrs S White, Licensing & Committee Co-ordinator

Mrs White gave a brief summary of the application. Two representations in relation to the licensing objective of the prevention of crime and disorder had been received; one from a local resident and one from Marks Tey Parish Council. The objections expressed concern at the potential disturbance that may result in the event that the licence was granted.

Mr Hook, in presenting the application, explained that Mr Rahman lived locally at No.91 London Road, above the Post Office, and in addition to being Post Master and running

the post office and convenience store; he also owned and operated Jhaal, an Indian Restaurant further along London Road. There had been no problems in relation to the operation of either of these premises. It was intended to operate the premises as a themed 1950's American style diner and a copy of the menu had been circulated to members of the Sub-Committee in advance of the Hearing.

In responding to the points raised by the objectors it was mentioned that there were two toilets at the premises and that these were accessed from the restaurant area and not from the kitchen as indicated by the plan. The applicant confirmed that an amended plan would be submitted showing the correct location of the toilets. The use of the car park was discussed and Mr Rahman confirmed that the parking area was fenced on three sides and could be chained off at the front to prevent access.

RESOLVED to permit:-

- The supply of alcohol on the premises Mondays to Sundays inclusive from 09.00 to 23.00
- Provision of live music, playing of recorded music, performance of dance and anything of a similar description Mondays to Sundays inclusive from 11.00 to 23.00
- The premises are open to the public Mondays to Sundays inclusive from 06.00 to 23.00

Subject to the condition that the car park should be chained closed at the close of business and remain closed until the premises re-opens.

Reasons for the Determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant under the Licensing Act 2003. The Sub-Committee was mindful that its decision must be an appropriate and proportionate response aimed at the promotion of the licensing objectives and was satisfied that the concerns raised by the objectors were adequately addressed by the applicants' operating schedule together with the imposition of the condition in relation to the use of the car park. In these circumstances the Sub-Committee felt it was appropriate to grant the application.