



Minutes of a Meeting of the Licensing Sub-Committee
held in the Council Chamber, The Grange, Nutholt Lane, Ely
on Thursday 10th January 2019 at 9:30am.

P R E S E N T

Councillor Julia Huffer (Chairman)
Councillor Michael Allan
Councillor Carol Sennitt

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

OTHERS PRESENT

Mr G Erdogan – Applicant
Mr T Paisley – Objector
Mr N Wright – Objector
2 members of the public

1. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE – LICENSING ACT 2003

The Sub-Committee considered a report, reference T173 previously circulated, which detailed an application for the grant of a new premises licence in respect of Millennium Pizza, 16 Chequer Lane, Ely.

The Chairman welcomed everyone to the meeting and all in attendance introduced themselves.

The Applicant confirmed that he had received the report.

The Senior Licensing Officer presented the report, stating that the matter before the Sub-Committee was to determine whether to grant a new licence to the Applicant. Millennium Pizza had applied, and the application had been advertised, in accordance with Section 17 of the 2003 Act. It proposed the sale of alcohol and revised opening hours, as set out in paragraph 3.3 of the report. The consultation undertaken had not produced any representations from the Police or Environmental Health but had resulted in representations from other people, as detailed in Appendix 3. After the consultation the Applicant had submitted steps to help meet the licensing objectives. The Officer was not aware of any agreement between the parties following this submission.

Millennium Pizza had been trading for some time with a closing time of 11:00pm and was seeking to enhance the existing business by selling alcohol and staying open later.

The Sub-Committee had to promote the licensing objectives, take regard of statutory obligations and Council policy. It also had to take account of the report and any written or oral submissions when determining the matter. Reasons had to be provided for any decision taken, which should be appropriate and proportionate. The Sub-Committee could grant the new licence subject to relevant conditions, modify those conditions, exclude any activities or reject the application.

The Chairman asked if there were any questions for the Senior Licensing Officer and there were none.

The Chairman then invited the Applicant to address the Sub-Committee. Mr Erdogan made the following comments:

- The business had been established a long time.
- The business normally closed at 11pm but this meant that potential later customers were being lost.
- It would be nice to open later to cater for those customers.
- Customers had asked for alcohol and was what they wanted.
- Another shop in Littleport offered drinks later, so that was where the idea had come from.
- Villages offered late night food but not drink.

Councillor Michael Allan noted that the new seating plan only had four tables and asked how many people were normally in attendance. If the hours were extended would more people be expected? Mr Erdogan stated that usually it was 5 or 6 people at a time. He did not anticipate an increase in numbers, as customers tended to come in, buy what they wanted and then go out, taking their purchases home (as he had not seen anyone drinking outside his premises).

The Chairman then invited Mr Paisley to address the Sub-Committee. Mr Paisley made the following comments:

- His family lived on the square.
- Although he had no objection to the sale of alcohol there was an ongoing problem on anti-social behaviour in that area.
- He was concerned about people loitering in the square late at night.
- There was also ongoing problems with littering and this would be aggravated by the longer opening hours.
- He asked what measures were in place to mitigate this problem.
- People would be drawn to the restaurant after leaving the pub.
- Parking was another issue, as the square got very congested with delivery vans blocking the square and there was some illegal parking. This was something that Councillor Lis Every was looking into.
- Blocking was caused by too many vehicles creating a bottleneck.

Councillor Michael Allan asked how often anti-social behavior took place. Mr Paisley confirmed this occurred most weekends with shouting and screaming, people vomiting, until as late as 3am. The bin lorries then came at 5am for rubbish collections.

Councillor Julia Huffer asked whether these were commercial collections. Mr Paisley acknowledged that these came from 5am and he had contacted the Council's Environmental Services team seeking help. The combination of these two issues made things difficult.

Mr Erdogan revealed that his delivery drivers arrived for work at around 4pm or after 5pm. Some drivers parked in front of his premises but he would ask them not to.

The Chairman then invited Mr Wright to address the Sub-Committee. Mr Wright made the following comments:

- He owned Interiors of Ely, next to Millennium Pizza.
- There were a lot of problems in the area, relating to litter, vagrants and drunk and disorderly behaviour.
- The extended hours with alcohol sales would make the situation worse.
- He had to clean up most mornings with food thrown at his windows or dumped in the walkway.
- The bins nearby were always full of food waste, their lids left open, food left on top and pizza boxes piling up, which encouraged wild animals and smelt bad.
- Not enough clearing up was being done by the Council.
- There were parking issues as he accepted deliveries from 7am until 4pm but after 4pm access was rarely possible and his vans got blocked in.
- He had noticed that situation worsening over time with garages and the main entrance being blocked.

Councillor Julia Huffer asked whether the food waste or open boxes were from Millennium Pizza. Mr Wright stated that the boxes were normally placed on top of the bins and complained there were not enough bins. Millennium Pizza and the nearby coffee shop needed a better system to deal with food waste, as the bins down Chequer Lane were not emptied daily.

Mr Erdogan declared that only one small vehicle was used by Millennium Pizza and did not block anyone. Except for Fridays and Saturdays this vehicle did not come before 3:30pm. He said he would try to keep it away from the square.

The Senior Licensing Officer reminded the Sub-Committee that parking was not a licensing issue, as it was not one of the licensing objectives.

Councillor Michael Allan sympathised with the issues raised but questioned whether an extra hour would make a big difference. There would only be 4 or 5 individuals involved, which was not a big crowd. Mr Wright thought it would affect anti-social

behaviour and with 2 different premises in the area it would create a problem. Mr Paisley added that if Millennium Pizza opened later it would create a hub of late night activity. Ely Police did not have the resources to support this in a safe way.

The Chairman asked whether the Police or Environmental Health had any objections and was informed that they had been involved in the pre-application discussions and had agreed to the conditions submitted.

The Sub-Committee meeting was then adjourned at 10:00am for it to consider its decision. The Applicant, objectors, officers and public left the meeting at this point.

The Sub-Committee reconvened at 10:59am. The Applicant, objectors, officers and public returned to the meeting at this point. The Legal Services Manager read out the Sub-Committee's decision (as below).

The Sub-Committee made the following decision:

Members were minded to grant the application after considering the information before them and the representations made.

In reaching their decision, Members noted that the supply and sale of alcohol was limited to midnight but hot food would be sold until 2 am on Friday and Saturday night only. In addition, they noted that the Applicant had enhanced the CCTV at his premises.

However, Members were of the view that the representations made regarding parking and waste collection were outside of the remit of the Licensing Committee and the licensing regime.

As an effort to address litter, Members added an additional condition to be placed on the Licence as follows:

“The Premises Licence Holder shall provide additional bins whilst conducting the licensable activities and will ensure that these are emptied at regular intervals. The bins should be to a number and specification to be agreed with the Waste Team at East Cambs Street Scene Limited.”

Right of Appeal

The Applicant or any persons who made a relevant objection have a right of appeal against this decision, which should be made within 21 days of notification of the Sub-Committee's decision.

The meeting concluded at 11:01am.