
LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 16 August 2016 from 10.00 am - 12.05 pm.

PRESENT: Councillors Paul Fleming, Lesley Ingham and Prescott (Chairman).

OFFICERS PRESENT: Philippa Davies, Robin Harris, Angela Seaward and Steve Wilcock.

ALSO IN ATTENDANCE: Mr Cashman (Objector), Mr Musha (Applicant) and Mr Zaman (Manager).

825 FIRE EVACUATION PROCEDURE

The Chairman made sure that those present were aware of the Fire Evacuation Procedure.

826 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman welcomed everyone to the meeting and outlined the procedure that would be followed.

827 DECLARATIONS OF INTEREST

No interests were declared.

828 SHISHA BAR - 2 MINSTER ROAD, HALFWAY, SHEERNESS, ME12 3JD

Mrs Angela Seaward, Senior Licensing Officer, introduced the report which was for an application for a new Premises Licence in respect of Shisha Bar, 2 Minster Road, Halfway. The proposed hours for the sale of alcohol was Monday to Sunday, 18:00 – 23:00. She advised that two representations had been received, as well as representations from the Environmental Protection Team. These were outlined in Appendices C and D in the report.

Mr Musha, the Applicant, considered the proposals presented a good opportunity, and would benefit the area socially. Mr Zaman, the Manager, explained that the Shisha Bar was not a nightclub, but was there for relaxation. He considered it would add value to the current business, the Mr India restaurant.

The following responses to questions were given to the Sub-Committee: the age limit for shisha smoking was 18 years; shisha would be purchased from the bar; the new business would be amalgamated with the current restaurant business; 54 people could be seated in the garden, however the preferred figure was 40, the projected safe number; the shisha was not tobacco based, it was herbal; the smoke from the pipes was similar to that from 'vaping'; shisha involved manual 'puffing', not like vaping which was battery-operated; customers from the restaurant

could go to the garden and vice-versa; and the shisha could not be taken away, as the pipes were hired from the premises.

The Sub-Committee were advised that the Applicant had tried unsuccessfully to meet with Mr Cashman (objector) to discuss any potential problems. Further responses to questions included: drinking issues were not expected at the premises, as the focus was on relaxation and detoxing; any overflow would be seated on un-reserved seating or advised to come back later; 40 customers were likely on Friday and Saturday evenings; 20 – 30 customers between Sunday and Thursday; and measures to address colder weather were being looked into, such as the use of canopies/marquees.

The Environmental Health Officer reported that there had been sufficient concern for potential nuisance to local residents from noise, the gathering of people, fumes and odours. He explained that the premises had been visited on three occasions by his department and it was considered that any noise in the area came from a variety of other businesses/traffic at junction; noise levels at the application premises were considered to be low, insignificant and incidental. The Environmental Health Officer reported that to-date he had not received any noise-related complaints from the premises.

The Environmental Health Officer further explained that a portaloo had been installed because he had been told by the applicant that there were insufficient toilets within the premises for the use of customers in the garden. There was a concern with queuing using the restaurant toilets and also odours from the external toilet, and he suggested it be rotated by 90 degrees to help address this. He explained the music was within a contained area, and that it was background music. The lighting was orientated downwards to address any intrusion on nearby properties.

The Environmental Health Officer reported that he was happy to withdraw his objection to the application because of a lack of evidence of public nuisance. He stated that if the licence was granted and complaints were made in the future, he would be able to use separate legislation to deal with those complaints, but would also likely recommend that the licence be reviewed.

In response to issues raised by the Environmental Health Officer, the Applicant explained the process of maintaining the portaloo and that it was emptied and cleaned professionally every two weeks.

Mr Cashman stated that there had been noise and public urinating issues on the opening night of the premises. He explained that music had been played after 11pm, and considered there was a disregard for local residents. In response, the Applicant explained that the opening night had been a family occasion, with no security employed that evening. He apologised for any anti-social behaviour and stated that measures would be taken to address these issues in the future.

In response to questions, the objector stated that he could still hear music from the premises; and the Applicant explained that the portaloo was of a luxury standard and included hand-wash facilities.

Mr Cashman further explained that the noise from the car park was quite loud and additional traffic to the premises could compound the problems of the condition of the access road. He considered the Bar's financial gain was his financial loss.

In response to a question, the Applicant advised that there were currently four CCTV cameras on the premises. He was confident that the issues raised, as noted above, could be resolved.

Members of the Sub-Committee adjourned to make their decision at 11.11am. Members of the Sub-Committee, the Senior Lawyer (Contentious) and the Democratic Services Officer returned at 12pm, when the meeting was re-convened.

The decision, as set out at Appendix I to these minutes was announced.

Resolved: The Sub-Committee agreed to grant the licence in accordance with the decision appended to these minutes; the Notice of Determination sets out the full decision and reasons.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel