



Licensing and Gambling Acts Sub-Committee
14th June 2023

LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

Cappadocia Restaurant, 3 Stuston Road, Diss, Norfolk, IP22 4JB

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Portfolio: Clean and Safe Environment

Ward(s) Affected: Diss and Roydon

Purpose of the Report:

This report details an application for a new premises licence.

Recommendations:

The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:

- Grant the application.
- Modify the conditions of the licence, altering or omitting or adding to them.
- Reject the whole or part of the application.

1. Summary

- 1.1 The Committee is requested, in accordance with the delegation of licensing functions contained in the South Norfolk Council Statement of Licensing Policy, to consider an application for a new premises licence in respect of Cappadocia Restaurant, 3 Stuston Road, Diss, Norfolk, IP22 4JB.

2. Background

- 2.1 An application has been received from Pera Solutions Ltd on behalf of Ms Karina Huili.
- 2.2 The application requests the following licensable activities:
- Supply of alcohol – Monday to Sunday 10:00 - 23:00
Hours open to the public – Monday to Sunday 08:00 - 23:00
- 2.3 The application outlines the steps the applicant intends to take to promote the four licensing objectives, copy attached at Appendix One.
- 2.4 A plan showing the location of Cappadocia Restaurant and the surrounding area is attached at Appendix Two.

3. Relevant Representations

- 3.1 All relevant representations must relate to one or more of the Licensing Objectives:
- The Prevention of Crime and Disorder
 - The Protection of Children from Harm
 - The Prevention of Public Nuisance
 - Public Safety

- 3.2 The responses from the Responsible Authorities are as follows:

Police – representations received, see Appendix Three

Environmental Health (Community Protection) – no representations received

Health and Safety – no representations received

Fire Officer – comments received, see Appendix Four

Planning Officer – no representations received

Norfolk Local Safeguarding Children Board – no representations received

Public Health Norfolk – no representations received

Licensing Authority – no representations received

4. Other persons

- 3.3 A representation to the application has been received from Diss Town Council objecting on the grounds of public safety. Please see Appendix Five for details of the representation.
- 3.4 The agent responded with further details regarding the provision of both on and off-site car parking. Please see appendix Six. To date the objection received from Diss Town Council has not been withdrawn.
- 3.5 All representations have been detailed in full. The Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2022 edition) recommends (under the heading of “Relevant, Vexatious and Frivolous Representations”) the benefit of the doubt about any aspect of the representation should be given to the person making the representation. Committee will wish to carefully consider the representations and take into account only those matters which are relevant to the subject area of the representation.

5. Proposed action

- 3.6 The Committee must determine this application with a view to promoting the Licensing Objectives.
- 3.7 In making its decision, the Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022) and the Council’s Licensing Policy - [South Norfolk Council Licensing Policy – Broadland and South Norfolk \(southnorfolkandbroadland.gov.uk\)](https://www.southnorfolkandbroadland.gov.uk). The Committee must also have regard to the representations made and the evidence placed before it.

6. Issues and risks

- 3.8 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates’ Court.
- 3.9 **Legal Implications** – There are no legal implications other than the issues detailed at 6.1 and 6.3.
- 3.10 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant must be balanced against the interests and

protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision-making process must be transparent and all parties must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.

- 3.11 **Environmental Impact** – In making their determination Committee is requested to ensure that the principles of the prevention of public nuisance licensing objective are upheld.
- 3.12 **Crime and Disorder** – In making their determination Committee is requested to ensure that the principles of the prevention of crime and disorder licensing objective are upheld.
- 3.13 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Licensing Policy may leave the Committee's decision open to challenge.

7. Recommendations

- 7.1 The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:
- Grant the application.
 - Modify the conditions of the licence, altering or omitting or adding to them.
 - Reject the whole or part of the application.

Appendices:

1. Copy of application form
2. Location Plan
3. Representation from Police
4. Comments received from Fire Officer
5. Representation from Diss Town Council
6. On-site and off-site parking