

REPORT OF THE CORPORATE DIRECTOR OF CITY DEVELOPMENT

**APPLICATION FOR A LATE NIGHT REFRESHMENT HOUSE LICENCE
NEW SHABAZ RESTAURANT, 142 ALFRETON ROAD, RADFORD, NOTTINGHAM**

1.0 SUMMARY

1.1 This application is for a new Late Night Refreshment House Licence to remain open to 4 am.

2.0 RECOMMENDATIONS

2.1 IT IS RECOMMENDED THAT the Committee determine the application having regard to the objections of Ward Councillor Stephenson and Ms Kate Pearce.

3.0 BACKGROUND

3.1 Mr. Asghar Ali Khan has applied to hold a late night refreshment house licence at **New Shabaz, 142, Alferton Road, Radford, Nottingham**

3.2 The Act makes no provision for a local authority to refuse a licence, but in order to prevent unreasonable disturbance to residents of the neighbourhood, the Council may impose a condition prohibiting the opening or keeping open of such premises between the hours of 11pm and 5 am.

3.3 Mr Khan has been made aware of the views of consultees and has been asked whether he would wish to amend the terminal hour to midnight. Mr Ali has indicated that he does not agree with the proposal.

4.0 PROPOSALS

4.1 Mr. Ali has submitted an application for a licence in accordance with the Late Night Refreshments Houses Act 1969 to remain open to 4am.

4.2 The Police, Pollution Control Officer and Planning Applications & Advice Officer have been consulted and have not objected.

4.3 Ward Councillors have been consulted and Councillor Stephenson has objected. A copy of his memo is attached at Appendix 1.

4.4 Ms Kate Pearce, the occupant of the flat above the New Shabaz has objected. A copy of her letter is attached at Appendix 2.

4.5 The location of the premises is shown on the attached map and the applicant and objectors have been invited to attend.

5.0 LEGAL IMPLICATIONS

These will be reported at the meeting.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

None.

7.0 List of background papers other than published works or those disclosing confidential or exempt information

- Memo from Pollution Officer – dated 3 March 2004
- Application - dated 1 March 2004
- Letter from Police – dated 12 March 2004

8.0 Copyright Acknowledgement

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Barry Horne
Corporate Director
City Development

Lawrence House, Talbot Street, Nottingham NG1 5NT

Contact Officer: Janet Swain
Telephone number: 0115 9156776
email: janet.swain@nottinghamcity.gov.uk

21 April 2004

Internal Memo

Date: 11th March 2004

From: Councillor Tom Stephenson	Your ref:
To: Development Department, Lawrence House F.A.O. Janet Swain, Licensing Officer	Our ref: TS/JW/ARB339

Application for Late Night Refreshment House Licence by New Shabaz Restaurant, 142 Alfreton Road

I write to formally object to the above application.

I understand that the application includes this restaurant being able to stay open until 4.00 a.m. Given that Alfreton Road is in a built-up residential area, I believe that opening until 4.00 a.m. would cause noise and disturbance for nearby residents. I am aware that a number of pubs and clubs on this road have licences of one kind or another but to the best of my knowledge, these are limited to opening until midnight on most nights. This would seem to me to be an acceptable hour for a late night business to close so that nearby residents are able to sleep. //

APPENDIX 2

Miss K Pearce
East Cottage
Sunbeam Street
Whatton
Nottingham
NG13 9ER

Janet Swain
Lawrence House
Talbot Street
Nottingham
NG1 5NT

Dear Ms Swain

Re: Shabaz, 142 Alfreton Road, Nottingham

I am writing to express my concern that the above restaurant has made an application for a bar licence on the first floor of their premises. I live in a flat above this restaurant.

My major concern is that there is no soundproofing between the first floor and the flat. The restaurant currently uses the first floor as a function room. They also have a projector system on which they show films. (I would like to know whether this requires an entertainment licence, and if so whether they do indeed have one.) The nature of the establishment and its "after hours" opening time also mean that the clientele are usually rowdy and it is even possible to hear conversations that are going on downstairs. These factors all contribute to an extremely intrusive level of noise disturbance in the flat on an almost nightly basis.

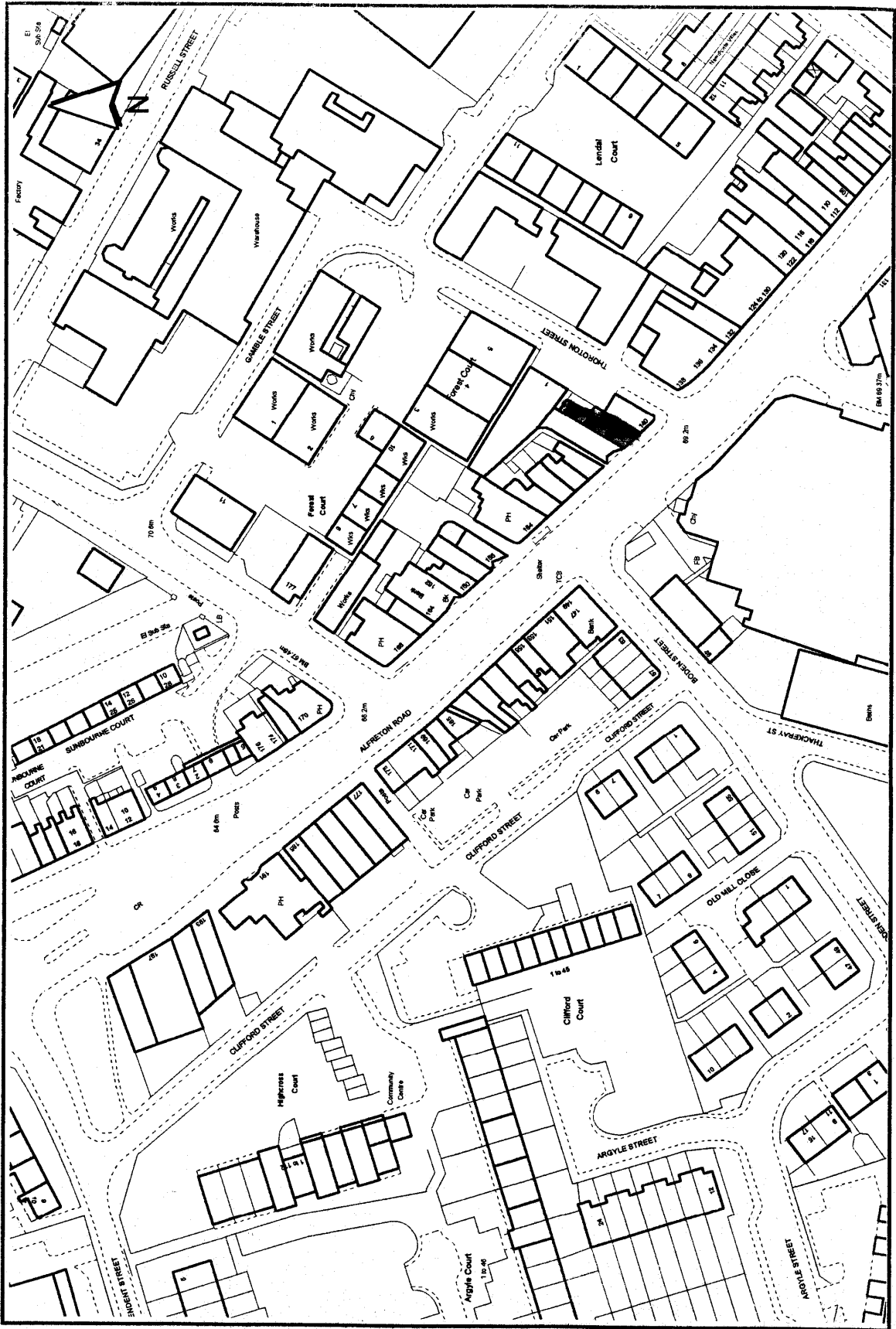
I have spoken to the restaurant owner on innumerable occasions about the noise problem to little effect. I feel that, given the lack of sound proofing, if Shabaz are granted the licence, the problem will be aggravated to such an extent that the negative impact on our lives would be intolerable.

Please send any correspondence in relation to this matter to the address at the top of the page, as there is no letterbox at the flat.

Yours sincerely,



Kate Pearce



Sewans House,
29, Middle Pavement,
Nottingham NG1 7DY
SOUTHGAM Tel: (0151) 915 6555
Fax: (0151) 915 5757

165 ALFRETON ROAD
SCALE 1:1250

This plan is a preliminary drawing and is not to be used for construction purposes. It is subject to change without notice. The client is responsible for the accuracy of the information provided. The architect is not responsible for the accuracy of the information provided.