



18 May 2017

Dear Sir/Madam

A hearing will be held on Thursday, 25 May 2017 in the New Council Chamber, Town Hall, Beeston at 10.00am.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To: Members of the Appeals Panel viz:
Councillors: T A Cullen, W J Longdon and K E Rigby.
E H Atherton (reserve).

AGENDA

1. APPOINTMENT OF CHAIR
2. APOLOGIES FOR ABSENCE
3. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, in any item on the agenda.

4. HEARING

- 4.1 APPLICATION TO VARY A PREMISES LICENCE

PAGES 1 - 58

ALCOHOL AND ENTERTAINMENT LICENSING COMMITTEE

Thursday 25th May 2017 @10:00am
New Council Chamber

Applicant:	Ioannis Fragkantonis
Premises applied for:	Yiannis 132 Wollaton Road Beeston Nottingham NG9 2PE
Type of application:	S34 Licensing Act 2003 Application to vary a premises licence
Date application received	02.03.2017 First application (Not advertised in newspaper) 29.03.2017 Second application
Consultation period end	27.04.2017
Licensable Activities applied for:	See below
Variation(s) applied for:	To allow rear section of restaurant to be used as a bar offering bar service and limited food offering (e.g. sharing platters) Live music on one or two nights a week (Jazz, Blues, Piano) Recorded music in the bar area. Dance performances (Rock and Roll, Charleston on an irregular basis) Late night refreshment.
Hours applied for:	No change to hours for sale of alcohol Live Music: 11:0 – 01: 00 Following day No change to hours for recorded music Late Night Refreshment: 23:00 – 01:00 Following day All licensable activities till 03:00 1 st January (New Year's Eve)
Hours open to Public: (O)	No change to current opening hours
Steps applicant proposes to take to promote the Licensing Objectives.	1. See current licence 2. See application form
Representations by Responsible Authorities	Licensing Objectives
<ul style="list-style-type: none"> • Police • Planning • Environmental Health 	<p>None</p> <p>None – Planning comment made (attached)</p> <p>None – Condition agreed (attached)</p>

Health & Safety <ul style="list-style-type: none"> • Environmental Health Noise • Fire Service • Safeguarding Children Board • Trading Standards • Health 	None None None None None
Representations by Interested Parties:	Licensing Objectives
<ul style="list-style-type: none"> • Mr S Coe • Dr & Mr Lee • MS C Tordoff • Mr P Elgar • Mr M Simkins • Messrs P,J & N Lally • Mr Fawcett & Miss Fowler • Mr N Oliver • Mr A Morley • Anca Pordea • Mrs N Freeman 	<ul style="list-style-type: none"> • Crime and Disorder, Public Nuisance • Public Nuisance • Public Nuisance • Public Nuisance • Representation withdrawn • Public Nuisance • Public Nuisance (Petition) • Public Nuisance (Petition) • Public Nuisance (Petition) • Public Nuisance (Petition) • Public Nuisance (Petition)
Attendances on behalf of the Applicant:	Attending: Mr Ioannis Fragkantonis TBC
Attendances on behalf of Interested parties:	Attending: Dr & Mr Lee Mr P Elgar (Represented by Ms A Olek)
Attached documents	<ul style="list-style-type: none"> • Application • Relevant representations • 10 day Notice to applicant • Letter to applicants with reference to the applicant moderating/offer to amend his application

Focus of hearing:

The Panel may first need to consider whether the public should be excluded during part or all of the hearing of this matter under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

14. Hearing to be public

(1) Subject to paragraph (2), the hearing shall take place in public.

- (2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- (3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Representation have been received relating to the licensing objectives as follows:

- **Prevention of crime and disorder**
- **Prevention of public nuisance**

The issues coming before the panel should be addressed as follows:

Consideration of the application

Note: Consideration is on the effect of the grant of the application to vary only.

Whether upon consideration of the facts, that the grant of an application to vary the current premises licence by Ioannis Fragkantonis in the terms applied for will undermine the above mentioned licensing objectives:

In considering this application the Alcohol and Entertainment Sub-Committee will have regard to:

The representations from Interested Parties (Attached)

The Licensing Act 2003, and in particular:

S4 General duties of licensing authorities

- (1). A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives.
- (2). The licensing objectives are—
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- (3). In carrying out its licensing functions, a licensing authority must also have regard to—
 - (a) its licensing statement published under section 5, and
 - (b) any guidance issued by the Secretary of State under section 182.

S35 Determination of application under section 34

- (1) This section applies where the relevant licensing authority—
 - (a) receives an application, made in accordance with section 34, to vary a premises licence, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of subsection (5) of that section.
- (2) Subject to subsection (3) and section 36(6), the authority must grant the application.
- (3) Where relevant representations are made, the authority must—
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b)having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

- (4) The steps are—
- (a)to modify the conditions of the licence;
 - (b)to reject the whole or part of the application;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (5) In this section “relevant representations” means representations which—
- (a)are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
 - (b)meet the requirements of subsection (6).
- (6) The requirements are—
- (a)that the representations are made by an interested party or responsible authority within the period prescribed under section 17(5)(c) by virtue of section 34(5),
 - (b)that they have not been withdrawn, and
 - (c)in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Subsections (2) and (3) are subject to sections 19 to 21 (which require certain conditions to be included in premises licences).

The guidance issued under 182 of the Licensing Act 2003 (As updated April 2017)

The council's “Statement of Licensing Policy” 2014 – 2019 and in particular:

- (a)Policy statements 1 & 2
- (b)Sections 2, 5 & 6

Their duties under section 17 of the Crime and Disorder Act 1998.

ALCOHOL AND ENTERTAINMENT LICENSING PANEL

The overall intention is to hold a “directed discussion” on the issues

Procedure for hearing of application

1. The Chair or Legal Advisor will explain the reason for the hearing.
2. Legal Adviser will identify the parties to the hearing parties and inquire whether the parties have understood the hearing procedure.
3. Chair considers requests for witnesses to be called by each of the parties.
4. Chair assesses and then agrees the maximum period of time in minutes to be permitted for each party to address the relevant representations.
5. Chair invites the Applicant to outline his application and address the relevant representations and call any witnesses as agreed
6. After each speaker the Chair will invite the Responsible Authorities to ask questions through the Chair

- Police
- Fire
- Environmental Health
- Interested parties
- Licensing Committee members

7. Chair invites each of the Responsible Authorities to outline the relevant representations and call any witnesses as agreed

- Police
- Fire
- Environmental Health

8. After each speaker the Chair will invite the Applicant to ask questions through the Chair

9. The Chair invites the Interested parties to address the relevant representations and call any witnesses as agreed

10. After each speaker the Chair will invite the Applicant to ask questions through the Chair

11. The Chair asks the parties in the following order whether they have anything further to add as a closing statement.

- Responsible Authorities
- Interested Parties;
- Applicant.

12. Having clarified that all parties have had a fair hearing, the Panel retires from the Council Chamber for the Members to consider their decision.

13. The Panel returns to the Council Chamber and the decision is announced.

14. Chair advises the parties that the full decision and reasons for the decision will be transmitted in writing to the parties and advises of the right to appeal

NB The Chair may vary the procedure as necessary to ensure that a "directed discussion" takes place.



Broxtowe Borough COUNCIL

Broxtowe Borough Council
Licensing Department
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
Tel: 0115 917 3241
Fax: 0115 917 3131
Email: licensing@broxtowe.gov.uk

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We IOANNIS FRAGKANTONIS
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
132 Wollaton Road Beeston.			
Post town	Nottingham	Postcode	NG9 2PE

Telephone number at premises (if any)	0115 9229475
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	yiannis.greek.restaurant@gmail.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Currently the premises has a ground floor restaurant comprising of front & rear dining room. I propose to keep the front restaurant as is. In the rear I propose to erect a bar & offer a bar service together with a limited food offering (eg sharing platters). Instead of conventional restaurant seating I will have some seating with tables & chairs.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B) x
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A NIA Please ignore, filled in by error

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11.00	1.00	weekends Have bands of one or two for Jazz, Blues, rock.		
Tue	11.00	1.00			
Wed	11.00	1.00	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	11.00	1.00			
			LIFE MUSIC		
Fri	11.00	1.00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11.00	1.00			
Sun	11.00	1.00	YES NO		

N/A Filled in error

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	11.00		<p>SOME TIMES Maybe I will play FILMS FROM 20'S 30'S</p>					
		1.00						
Tue	11.00							
		1.00						
Wed	11.00					State any seasonal variations for the exhibition of films (please read guidance note 4)		
		1.00						
Thur	11.00							
		1.00						
Fri	11.00		Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)					
		1.00						
Sat	11.00		<p>No</p>					
		1.00						
Sun	11.00							
		1.00						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details (please read guidance note 3)</u>
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u>
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri			
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
			IN	Both	<input type="checkbox"/>
Mon	11.00		Please give further details here (please read guidance note 3) once or twice a week I will have Bands of one or two people for jazz, Blues, piano music		
		1.00			
Tue	11.00		State any seasonal variations for the performance of live music (please read guidance note 4)		
		1.00			
Wed	11.00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
		1.00			
Thur	11.00		NO		
		1.00			
Fri	11.00				
		1.00			
Sat	11.00				
		1.00			
Sun	11.00				
		1.00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100		Recorded music we play for dinners and people in the BAR section		
		100			
Tue	1100		State any seasonal variations for the playing of recorded music (please read guidance note 4)		
		100			
Wed	1100		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
		100			
Thur	1100		I may wish to extend the hours 03:00		
		100			
Fri	1100		hours of live music on NEW year's eve only		
		100			
Sat	1100				
		100			
Sun	1100				
		100			

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
		100			
Tue	1100		Some times may I have a show of rock and roll or pop charleston Dance.		
		100			
Wed	1100	100	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	1100	100			
Fri	1100		Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
		100			
Sat	1100		I may to extend the 100 03:00		
		100			
Sun	1100		hours of live music on New Year's Eve only		
		100			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing <p style="text-align: center; font-size: 1.2em;">Comedy - stand up comedian.</p>		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	1100			Outdoors	<input type="checkbox"/>
		100		Both	<input type="checkbox"/>
Tue	1100		Please give further details here (please read guidance note 3)		
		100			
Wed	1100				
		100	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur	1100				
		100			
Fri	1100		Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
		100			
Sat	1100				
		100	<p style="font-size: 1.5em;">NO</p>		
Sun	1100				
		100			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
		1.00			
Tue	11.00		I will serving refreshment until my closing time.		
		1.00			
Wed	11.00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
		1.00			
Thur	11.00				
		1.00			
Fri	11.00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
		1.00			
Sat	11.00		I may wish to extend my 1.00 03:00 hours on New Year's Eve		
		1.00			
Sun	11.00				
		1.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) <p style="text-align: center;">NO Non standard hours - 03:00</p>		
Mon	1100				
		100			
Tue	1100				
		100			
Wed	1100				
		100			
Thur	1100				
		100			
Fri	1100				
		100			
Sat	1100				
		100			
Sun	1100				
		100			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

I have held a Personal Licence for 14 years ~~and~~ and also held two premises licence which demonstrates my level of experience & knowledge in working in the licensed trade.

b) The prevention of crime and disorder

Alarm already installed & regularly tested and maintained. CCTV currently installed inside premises, to be installed outside prior to altered trading. External lighting present & in good order. Would refuse entry or eject persons who do not meet admission standard.

c) Public safety

In addition to all current steps which are followed as required by current licence I would display information with regard to safe options for travelling home, a good relationship already exists with a local taxi firm.

d) The prevention of public nuisance

Erection of notices within the premises to ask clientele to leave in a quiet & timely fashion & to move on when outside. I recognise this is a residential area & will actively ensure this happens.

e) The protection of children from harm

No proximity to nearby secondary schools. Bartenders have completed training & alcohol licence. Proof of identity asked for is deemed necessary and log will be set up & maintained.

Checklist:

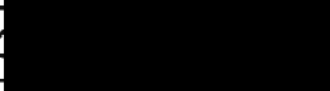
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.


IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity:

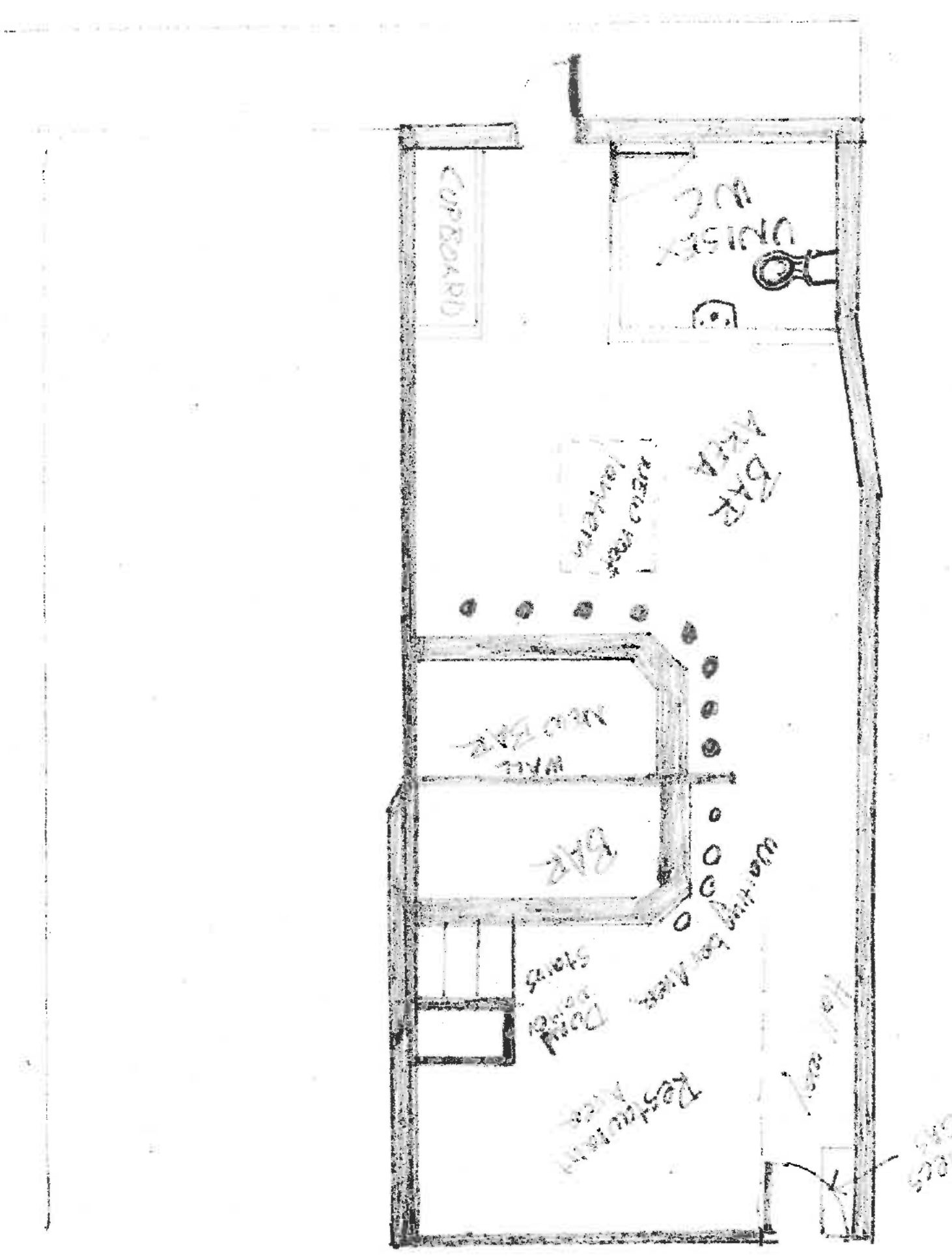
Signature	
Date	24/02/17
Capacity	

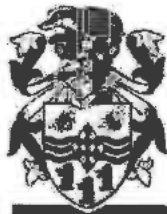
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	24/02/17
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			







**Broxtowe
Borough
COUNCIL**

Positive People - Positive Leadership - Positive Partnerships

PREMISES LICENCE

LICENSING ACT 2003, Schedule 12 Part A, SI 2005/42 Regulation 33,34

Premises Licence Number	12/00737/PREM	Type: New
Date of Grant	1 st October 2012	
Address	Yiannis Restaurant 132 Wollaton Road Beeston Nottingham NG9 2PE	
Telephone number		
Licensable activities authorised by the licence	Provision of Regulated Entertainment Sale of Alcohol by Retail	
Times the licence authorises the carrying out of the licensable activities	Provision of Regulated Entertainment: Recorded Music (indoors) Monday – Sunday 11:00 – 01:00 Sale of Alcohol by Retail: Monday – Sunday 11:30 – 01:00	
Opening hours of the premises	Monday – Sunday 11:30 – 01:00	
Whether the supplies of alcohol are on and/ off the premises	Supply of alcohol on the premises only.	
Name, address, telephone number and e-mail of the holder of the premises licence	Ioannis Fragkantonis 	
Registered number of company if applicable	Not Applicable	
Name, address and telephone number of the designated premises supervisor	Ioannis Fragkantonis 	
Personal licence number and issuing authority of the personal licence held by the designated premises supervisor	Personal Licence 034398 issued by Nottingham City Council	

Annex 1 – Mandatory conditions

Licensing Act 2003

Supply of alcohol:

No supply of alcohol may be made under this licence –

- a. At a time when there is no Designated Premises Supervisor in respect of it or,
- b. At a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended

Every sale or supply of alcohol made under this premises licence must be made or authorised by a person who holds a personal licence.

Annex 1(a)

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

Conditions in force from 6th April 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Conditions in force from 1st October 2010

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

1. An internal & external digital CCTV system with recording equipment shall be installed and maintained at the premises.

All recordings used in conjunction with CCTV shall:

- Be of evidential quality in all lighting conditions; and
- Indicate the correct time and date; and
- Be retained for a period of 31 consecutive days

A member of staff who has been trained to use the CCTV system must be on the premises at all times licensable activities are authorised, as the recorded images must be made available for inspection and downloading immediately upon request to officers of Responsible Authorities.

All downloaded images must be provided in a format that is viewable without the need for specialist equipment and/or software.

2. A Challenge 21 or similar policy will be implemented and enforced at all times. Any person who appears to be under 21 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification. (e.g. passport, driving licence or PASS accredited card)

3. A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused.

Such records shall show:

- The basis for the refusal;
- The person making the decision to refuse; and
- The date and time of the refusal.

Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection and copying by the Police or any other authorised person, immediately upon request.

4. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:

- Persons taking table meals there for consumption by such a person ancillary to the meal.
- Persons waiting to be seated for a table meal in the bar area.

5. Clear and legible notices will be displayed at the exits to the premise asking customers to leave quietly.

6. All members of staff shall be fully trained in the retail sale of alcohol. The training shall be ongoing and each member of staff shall be reviewed every six months. All details of the level of training will be recorded. This information shall be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately on request and all such books shall be retained at the premises for at least 12 months

Annex 3 – Conditions attached after a hearing by the Licensing Authority

No hearing

**Annex 4 – Plans
Ref: LA/021/001 – Revision C**

See attached

**Broxtowe Borough Council
Licensing Department
Regulatory Services
Resources Directorate
Council Offices
Foster Avenue
Beeston
Nottingham
NG9 1AB
0115 917 7777
www.broxtowe.gov.uk**

Miley, John

From: [REDACTED]
Sent: 06 March 2017 16:00
To: Miley, John; licensing
Cc: [REDACTED]
Subject: Yiannis Fragkantonis, 132 Wollaton, Beeston, Nottingham

Good afternoon,

Nottinghamshire Police have received an application for a variation for a premise licence for Yiannis Fragkantonis, 132 Wollaton, Beeston, Nottingham. We have no objections with regards to this application.

Regards

[REDACTED]
[REDACTED]
Senior Licensing Officer
County Liquor Licensing
Mansfield Police Station
Great Central Road
Mansfield
Nottinghamshire
NG18 2HQ
[REDACTED]
[REDACTED]

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Find out about Nottinghamshire Police by visiting www.nottinghamshire.police.uk

Miley, John

From: [REDACTED]
Sent: 20 March 2017 09:14
To: [REDACTED]
Cc: licensing
Subject: Licensing application
Attachments: 132 Wollaton Road.pdf, Removal or Variation of Condition.pdf

Dear Mr Fragkantonis,

The Licencing department have consulted the Planning department on your application to convert your premise from a restaurant to a gin bar.

I write to inform you that the hours outlined in your licensing application are different to the hours granted under 12/00466/FUL (decision notice attached). Should you wish to open your premise within the hours specified in your licensing application an application to vary the condition should be submitted to the Local Planning Authority. I have attached a copy of the application form.

Regards

[REDACTED]

Planning
Broxtowe Borough Council
Neighbourhoods and Prosperity
Directorate of Legal and Planning Services
Council Offices
Foster Avenue
Beeston
Nottingham
NG9 1AB

www.broxtowe.gov.uk

IMPORTANT NOTICE – BUILDING CONTROL

Broxtowe Borough Council's Building Control Service
has been transferred to **Erewash Borough Council**

For further Advice please contact Erewash Borough Council

TEL: 0115 907 2221

Email: buildingcontrol@erewash.gov.uk

BROXTOWE BOROUGH COUNCIL

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990

Application submitted by
Mr Daniel Lacey
Design, Planning and Projects
Oakfield House
2 Cyprus Road
Nottingham
NG3 5EB

BROXTOWE BOROUGH COUNCIL having considered an application by or on behalf of

Applicant : Mr Yianni Fragkantonis
File Reference : 12/00466/FUL
Proposal : Change of use of building from financial and professional services (Class A2) to restaurant (Class A3), including all necessary ventilation systems and construct new shop front
Site Address : 132 Wollaton Road Beeston Nottingham NG9 2PE

as shown on the plans submitted with the application, which application and plans and any relevant correspondence are hereinafter referred to as "the application". HEREBY in pursuance of their powers under the above mentioned Act

GRANT PERMISSION

for the development in accordance with the application, subject to compliance with the Conditions imposed, and the subsequent approval of all matters referred to in the conditions, for the reasons set out below.

Conditions :

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Ordnance Survey plan received by the Local Planning Authority on 9 August 2012, the noise assessment report received by the Local Planning Authority on 26 September 2012, the supplementary noise assessment report received by the Local Planning Authority on 10 October 2012 and drawing number LA/021/001 Revision H received by the Local Planning Authority on 30 October 2012.
3. The glazed lantern as shown on drawing number LA/021/001 Revision H received by the Local Planning Authority on 30 October 2012 shall not contain any opening lights.
4. The hereby approved ventilation and filtration equipment shall be installed and in full working order prior to the use commencing. The equipment shall be effectively operated and maintained in accordance with the manufacturer's instructions for as long as the proposed use continues.
5. The use hereby permitted shall not be open to customers outside the hours of 08.00 to 23.00 Monday to Saturday and 08.00 to 22.00 hours on Sundays, Bank Holidays and other public holidays.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. In the interests of neighbouring residential amenity to reduce the potential for noise disturbance.

Continued ...



2.
12/00466/FUL

4. To ensure the fumes associated with any cooking activities are satisfactorily dispersed and in the interests of residential amenity, in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).
5. To protect local residents from excessive operational noise and in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).

Summary of policies and of reasons for decision :

The proposal generally accords with the objectives of Policies E1 and S7 of the Broxtowe Local Plan 2004, and in the opinion of the Local Planning Authority there are no other material considerations that indicate the decision should be taken at variance with these policies.



Authorised Officer

Date: 13 November 2012

Attention is drawn to the notes enclosed

health@broxtowe.gov.uk
17/00738/EHCON

23rd March 2017

Mr I Fragkantonis
Yiannis Greek Restaurant
132 Wollaton Road
Beeston
Nottinghamshire
NG9 2PE

Com

Dear Mr Fragkantonis

LICENSING ACT 2003
APPLICATION TO VARY AN PREMISES LICENCE
132 WOLLOTON ROAD BEESTON NOTTINGHAMSHIRE NG9 2PE

I write with reference to the above application for a variation to a premises licence and my site visit on the 22nd March 2017. I wish to inform you that we have considered the additional information supplied and propose the following condition to be applied to any variation granted.

Suggested condition to be added to any premises licence granted.

- The Premises Licence Holder or nominated person will not allow the opening of windows and doors for the purpose of ventilation during operating hours to ensure that noise generated during operating hours will not be heard above background levels at the façade of the nearest residential properties

I would be grateful if you could confirm you are happy with the wording of the condition within the next 7 days and it will be included in any premises licence issued.

Yours faithfully

Senior Environmental Health Officer

29

Head of Public Protection – Mr D. K. Gell
Chief Executive's Directorate
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
t: 0115 917 7777 f: 0115 917 3683
typetalk: 18001 0115 917 7777
e: health@broxtowe.gov.uk (Environmental Health)
e: licensing@broxtowe.gov.uk (Licensing)
w: www.broxtowe.gov.uk

Miley, John

From: Health
Sent: 16 May 2017 16:40
To: Miley, John
Subject: FW: Yiannis application to varyan premises licence Ref. 17/00738/EHCON

From: yiannis fragkantonis [REDACTED]
Sent: 03 April 2017 17:02
To: Health
Subject: Yiannis application to varyan premises licence Ref. 17/00738/EHCON

Hello [REDACTED]

I would like to confirm that iam not going to open the windows in the back room for the propose of ventilation during opening hours

And in the premises is going to be notise HOUSE RULES

one of the rules is going to say

please exit promptly and quietly to show courtesy and respect to our neighbors

My Kind Regards

Yiannis Greek restaurant

Mob. [REDACTED]
Beeston 01159229475
Website www.yiannisgreekrestaurant.co.uk
Facebook Yiannis Greek Restaurant

From: Stuart Coe
Sent: 24 March 2017 11:17
To: licensing
Subject: Representation against Yiannis application
Attachments: representation by an interested party re Yiannis application.doc

Dear Sir/Madam,

I wish to make representations against the licence application made by Yiannis Restaurant on Wollaton Road. I have filled in and attached the appropriate form to this email. If there are any issues with this, please let me know.

Many thanks,
Stuart Coe

Form of Representation

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

The Licensing Act 2003 allows two different bodies to object to the grant or variation of premises licences or to call for a review of such a licence:

- **Responsible authorities:** these bodies are set out in the legislation and include the Police, Fire Service, Environmental Health, Health and Safety, Planning, Health Bodies, Licensing Authority and Trading Standards
- Any other person may make a representation against an application irrespective of where they live, provided that the representation is based on the licensing objectives below. This means they can make valid objections against the application, giving reasons why they think it shouldn't be allowed.

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of the person or persons making a representation below:

Name:	Stuart Coe
Address:	[REDACTED]
Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Ioannis Fragkantonis
Address of Premises:	Yiannis Restaurant, 132 Wollaton Road, Beeston, NG9 2PE
Application Details:	Provision of Late Night Refreshment Monday to Sunday 23:00 – 01:00 Next Day Provision of Regulated Entertainment Monday to Sunday 23:00 – 01:00 Next Day

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

Note: you may wish to include any proposals which you think may address the issues raised in your representation.

Any extension to the licence of this establishment will have a negative effect on my and my wife's well-being, as we live very close to this restaurant and already have a problem with noise caused very late on Friday and Saturday nights. While we are willing to accept this at the weekend, I could not bear to suffer this every night of the week. As this is a residential area and is otherwise very quiet at night, every time a customer arrives at or leaves the restaurant, the noise is very apparent and disturbing. For this to be a possibility every night of the week, until 1am, would be unbearable. The noise of customers leaving, and the noise that staff make when closing up, would impact on our sleep and health. Furthermore, they have applied for an entertainment licence which presumably includes live or recorded music. Given that this is a quiet (in the evening) residential area, I do not believe this to be appropriate, as I believe it would be audible from my property.

I have also noticed many times that this establishment's bins are overflowing, their litter left in black bags outside of the bins, suggesting they are already at capacity. If they are planning extended opening hours, I do not see how they can effectively accommodate their increased waste without dumping more bags in the open, raising a host of health concerns. I share my access with the access to Yiannis's refuse area, and believe this licence extension would lead to major issues with rubbish dumping, overflowing bins. In general, they have not showed much regard for the residents who live alongside them.

There have also been several instances of anti-social behavior in this immediate area (including vandalism of an adjacent business and damage to a bin). I do not

believe it is appropriate to allow extended opening hours as this will increase the problem of people milling about in this area, potentially walking past my property intoxicated and loud, every night of the week.

Please continue on separate sheet if necessary

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

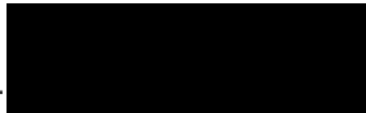
Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).



Please tick this box if you do not intend to attend or be represented at any hearing.



If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed: 

PRINT NAME: Stuart Coe

Date: 24/03/2017

Please return this form to the following address:

Broxtowe Borough Council

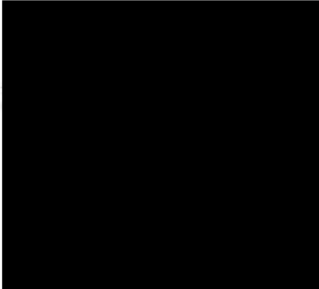
File

Ask for: Licensing
Ext: 3241
Email: licensing@broxtowe.gov.uk
Our Ref: JM
Your Ref: 27th March 2017
Date:



**Broxtowe
Borough
COUNCIL**

Mr S Coe



Dear Mr Coe
Yiannis Restaurant, Wollaton Road, Beeston, Nottingham

Thank you for your form of representation dated 24th March 2017 relating to the above application to vary the premises licence.

I am sorry to hear that you have been inconvenienced by the premises in the past. Regrettably we have not been made aware of any issues at or about the premises. Have the police been contacted in respect of the issues raised? Have the matters been raised with Mr Fragkantonis? We would be happy to facilitate a meeting with him if required to try and clarify and resolve the matters.

You will note that there is no change to the premises opening and operating times. The applicant intends to have live music played by one or two people once or twice a week within the current hours. The premises is licensed for recorded music until that time currently.

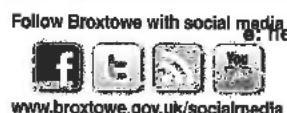
In respect of the bins, regrettably this is not a matter which can be taken into account when considering the licence application.

With regard to the anti-social behaviour, whilst I understand that it a problem for you, I suspect that customers from other nearby licensed premises and indeed the town centre will contribute to the problem. If you are able to evidence a link to Yianni's and the anti-social behaviour it would be good evidence for any hearing.

However, I have made note of your representation and receipt of such will necessitate a hearing within 20 working days of the close of the consultation. It may be worthwhile discussing the application with the applicant to see if a compromise can be reached prior to that.

Head of Public Protection – Mr D. K. Gell
Chief Executive's Directorate
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
t: 0115 917 7777 f: 0115 917 3683
typetalk: 18001 0115 917 7777
e: health@broxtowe.gov.uk (Environmental Health)
e: licensing@broxtowe.gov.uk (Licensing)
w: www.broxtowe.gov.uk

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25

Any hearing with regard to the application is heard by a panel of three elected councillors and both the applicant and any objector are able to present their case to the panel for consideration. Further details of the hearing will follow in due course

Please note the consultation period for the application ends on 30th March 2017.

If you have any queries about this matter please contact the licensing department who will be pleased to assist you.

Yours sincerely



John Miley
Licensing Manager
Public Protection Division
Chief Executive's Directorate

Miley, John

From: Stuart Coe
Sent: 14 May 2017 17:05
To: licensing
Subject: Hearing re Yiannis Restaurant. Ref: JM/Hearing

Dear Sir/Madam,

I have received notice of the hearing re Yiannis Restaurant to be held on 25th May. I do not intend to attend this hearing as I will be out of the country. While I still hold concerns regarding the application, it appears that several other individuals hold similar concerns to mine. I will therefore leave it up to the others named as making representations to come to a consensus with Yiannis and I will accept the majority decision.

Many thanks,
Stuart Coe

Licensing Register

Broxtorowe Borough Council

Foster Avenue

Beeston 26th, March 2017



Re: Variation of Premises Licensing For 'Yiannis' Restaurant, 132 Wollaton Road, Beeston

We would like to protest against the changes to the licensing of 'Yiannis' Restaurant. We only just found out about the planned changes. As neighbours directly opposite with their bedroom windows facing the restaurant we have already more than enough trouble with the noise that is coming from this establishment. This is a residential area and changes will affect us in a major way. This is a quiet and respectful neighbourhood, but Mr Fragkantonis and his staff are not very considerate and we have had repeated problems with unruly guests making much noise and staff having loud late night conversations.

We are quite concerned that Broxtorowe Borough Council did not think it necessary to inform us of such radical changes, which will fundamentally change the nature of this establishment from a restaurant to a pub.

Yours faithfully,



Dr Christina Lee & Mr William Lee

P

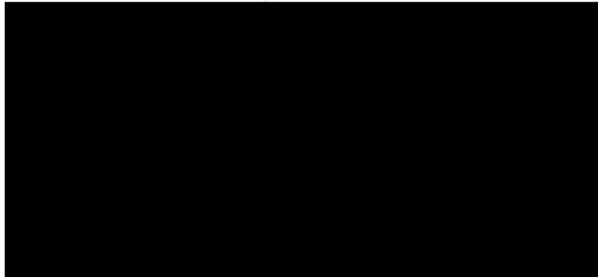
File

Ask for: Licensing
Ext 3241
Email: licensing@broxtowe.gov.uk
Our Ref: JM
Your Ref:
Date: 27th March 2017



**Broxtowe
Borough
COUNCIL**

Dr Christina Lee and Mr William Lee



27.3
Hand delivered to Dr Lee 27/3 @
3.30 pm.
Discussed application and issues
from representation given for
completion.

Dear Dr Christina Lee and Mr William Lee
Yiannis Restaurant, Wollaton Road, Beeston, Nottingham

Thank you for your letter dated 26th March 2017 relating to the above application to vary the premises licence.

I am sorry to hear that you have been inconvenienced by the premises in the past. Regrettably we have not been made aware of any issues at or about the premises. Have the police been contacted in respect of the issues raised? Have the matters been raised with Mr Fragkantonis? We would be happy to facilitate a meeting with him if required to try and clarify and resolve the matters.

There is no procedure within the Licensing Act 2003 for Licensing Authorities to notify the public about premises applications. The applicant is required to advertise his application in a locally circulated newspaper and to post a notice in the premises window for the public to view. This has been done and the applicant has complied with the requirements of the Act.

I have made note of your representation and receipt of such will necessitate a hearing within 20 working days of the close of the consultation. It may be worthwhile discussing the application with the applicant to see if a compromise can be reached prior to that.

Any hearing with regard to the application is heard by a panel of three elected councillors and both the applicant and any objector are able to present their case to the panel for consideration. Further details of the hearing will follow in due course

I have enclosed a form of representation for your convenience which will clarify your objection to the application and would be grateful if you could complete and return it to us as soon as possible.

Head of Public Protection – Mr D. K. Gell
Chief Executive's Directorate

Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
t: 0115 917 7777 f: 0115 917 3683
typetalk: 18001 0115 917 7777
e: health@broxtowe.gov.uk (Environmental Health)
e: licensing@broxtowe.gov.uk (Licensing)
w: www.broxtowe.gov.uk

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Silver



Please note the consultation period for the application ends on 30th March 2017.

If you have any queries about this matter please contact the licensing department who will be pleased to assist you.

Yours sincerely



John Miley
Licensing Manager
Public Protection Division
Chief Executive's Directorate

Form of Representation

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

The Licensing Act 2003 allows two different bodies to object to the grant or variation of premises licences or to call for a review of such a licence:

- Responsible authorities: these bodies are set out in the legislation and include the Police, Fire Service, Environmental Health, Health and Safety, Planning, Health Bodies, Licensing Authority and Trading Standards
- Any other person may make a representation against an application irrespective of where they live, provided that the representation is based on the licensing objectives below. This means they can make valid objections against the application, giving reasons why they think it shouldn't be allowed.

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**



Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of the person or persons making a representation below:

Name:	A C. Lee & M W. Lee	
Address:		
Postcode:		
Tel:		
Email:		

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	M Y. Fragkantonis
Address of Premises:	132 Wollaton Rd
Application Details:	Procedure to change licence for 'Yianis' Restaurant to Bar

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

Note: you may wish to include any proposals which you think may address the issues raised in your representation.

We are deeply concerned about the changes from a restaurant to a bar. Even if the licensing hours do not change, it will change the nature of the clientele. People do not tend to eat after 10pm, but we will get people who drink late, are potentially disorderly and who will cause much noise.

We are also concerned that the proposed change is to seven days a week - we would get no respite. We work hard and have to get up early. We already get disturbed and we are fearful that we will see lots of antisocial behaviour.

necessary

Please continue on separate sheet if

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.


Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).



Please tick this box if you do not intend to attend or be represented at any hearing.



If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the hearing, or otherwise orally at the hearing.

Signed: 

PRINT NAME: *D.C. Lee* *William Lee* WILLIAM LEE

Date: *27/03/2017*

Please return this form to the following address:

**Broxtowe Borough Council
Licensing Section
Public Protection Division
Chief Executives Directorate
Council Offices
Foster Avenue
Beeston
Nottinghamshire
NG9 1AB**

Telephone 0115 917 3241

Form of Representation

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

The Licensing Act 2003 allows two different bodies to object to the grant or variation of premises licences or to call for a review of such a licence:

- **Responsible authorities:** these bodies are set out in the legislation and include the Police, Fire Service, Environmental Health, Health and Safety, Planning, Health Bodies, Licensing Authority and Trading Standards
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2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**



Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of the person or persons making a representation below:

Name:	Mr P Elgar
Address:	
Postcode:	
Tel:	
Email:	

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Ioannis Fragkantonis
Address of Premises:	Yiannis Restaurant 132 Wollaton Road
Application Details:	Provision of Late Night Refreshment Monday to Sunday 23:00 – 01:00 Next Day Provision of Regulated Entertainment Monday to Sunday 23:00 – 01:00 Next Day

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

Note: you may wish to include any proposals which you think may address the issues raised in your representation.

I am seriously concerned about the prospect of being disturbed further by noise from Yianni's Restaurant, if this licence is granted. Summer evenings are already intolerable due to the noise from the restaurant, when they often have their back door open. On such evenings, we are unable to enjoy sitting in our garden, which backs directly on to the restaurant, because when their door is open, we are disturbed by the sounds of diners in the restaurant. It is best described as like being in a noisy pub beer garden. Having to listen to this is not acceptable in the garden of a private residential property.

There has recently been a notice displayed outside the restaurant saying that a gin bar will soon be operating from Yianni's. The prospect of extended opening hours together with the business diversifying into a bar with entertainment, not just a restaurant, fills us with dread. We distinctly remember one summer evening when Yianni's had a private function of some description, with loud music, which we could even hear inside the rear room of our house (as well as at the front), despite having our windows and doors closed. Please note we have modern, double glazed windows and doors but the noise was still audible inside our house. This level of disturbance could become a regular, late night, occurrence if this licence is granted.

We have lived in this house for 20 years and, until Yianni's opened, this was a very quiet part of Beeston, especially in the evenings. We never hear anything from the other restaurants along this strip, but we are regularly disturbed by noise from Yianni's open back door. Although this is a central area of Beeston, there are many private owner-occupied properties close to this restaurant and we should be able to

live in peace. We are one of two properties backing directly on to the restaurant and there are many others also to the back of his premises.

Please consider that it is very different from the area outside The Cricketers pub, for example, which is also on Wollaton Road, but which has no residential properties in the vicinity. It has regular late night discos and bands, which are clearly audible outside, but there are no nearby residents to be disturbed. It is completely different in the area adjacent to Yiannis and this should be taken into consideration.

I would also like taken into account the fact that Yiannis restaurant has no customer or staff parking facilities. This means customers and staff usually park on Cyprus Avenue and Abbey Road, causing inconvenience for residents and additional late night noise when they are arriving/leaving the premises. I am aware that as well as the noise, the parking problems have also upset residents.


If this licence is granted, please ensure that it is conditional upon neighbouring properties not being able to hear any activities associated with the business. This would require the restaurant doors and windows being kept closed and music being kept to a moderate volume so that it cannot be heard outside.

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please tick this box if you do not intend to attend or be represented at any hearing.

Cannot say - It depends when the hearing takes place and if I am able to attend on that day

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing.  hearing.

Signed

PRINT NAME:..... Mr Peter Elgar

Date: *9th April 2017*

Please return this form to the following address:

**Broxtowe Borough Council
Licensing Section
Regulatory Services
Resources Directorate**

Miley, John

From: Peter Elgar
Sent: 09 May 2017 09:04
To: licensing
Cc: [REDACTED]
Subject: Ref JM/Hearing, Mr Ioannis Fragkantonis, Yiannis Restaurant 132 Wollaton Road Beeston Nottingham NG9 2PE

Dear Mr Miley,

Your ref JM/Hearing, Mr Ioannis Fragkantonis, Yiannis Restaurant 132 Wollaton Road Beeston Nottingham NG9 2PE

Thank you for your letter about the hearing on 25th May 2017.

To answer your questions, yes, I consider the hearing necessary as a poor decision will adversely affect the quality of life/environment of myself and neighbours. I will be represented by Ms Anna Olek at the hearing (due to work commitments I am unfortunately unable to attend in person).

I look forward to receiving the document package, could you also please confirm receipt of this email,

Thanks and regards

Peter Elgar

Miley, John

From: Peter Elgar
Sent: 12 May 2017 16:54
To: licensing
Subject: Your ref JM/Hearing, Mr Ioannis Fragkantonis, Yiannis Restaurant 132 Wollaton Road Beeston Nottingham NG9 2PE

Dear Mr Miley,

Your ref JM/Hearing, Mr Ioannis Fragkantonis, Yiannis Restaurant 132 Wollaton Road Beeston Nottingham NG9 2PE

Thank you for your letters dated 8 May and 10 May. However, could you give me some clarification please:

The letter dated 10 May arrived last Friday (5 May) and set out the details of the forthcoming hearing. However the letter dated 8 May arrived yesterday (11 May) and referred to Yianni's willingness to withdraw some aspects of his application, as well as asking me whether I will reconsider my representation. The sequencing of these letters is confusing and therefore could you please clarify the following points:

1. Is the hearing still going ahead on 25 May?
2. Please clarify exactly what the licence currently covers (one of your letters states that it currently covers recorded music, the other letter states that he will withdraw his application for "live and recorded music") and what the new application covers.
3. Regarding my current concerns about noise, under the **existing** licence, can you confirm how I should address this, if not through the current process? Your letter (8 May) states that this any current concerns "should be dealt with by contacting Licensing or Public Health" - however, as your department is in fact Licensing, and I have already written to you about the problem, via this licensing process, what more would you suggest I need to do, in order to resolve the issue? This license application process seems to be a good opportunity to tackle the existing disturbance as well as guard against any future problems.
4. Related to point 3 above, in a recent telephone conversation with my partner, Ms Olek, you stated that any variation to the licence is likely to be conditional upon the rear door to the restaurant being kept closed; please can you confirm that this will be the case? We would actually prefer any such condition to state "no noise disturbance to neighbouring properties" as this covers not just open doors, but windows too, as well as any disturbance due to activities being so loud as to be able to be heard through closed doors and windows.
5. My understanding is that Yianni's restaurant is up for sale and that the licence will apply/be carried over for future owners of the premises. Therefore it is very important to me that the license is one that protects neighbours from any disturbance going forward and, as such, I am currently of the opinion that a hearing is still necessary.

Thanks and regards

Peter Elgar


Miley, John

Subject: FW: Your ref JM/Hearing, Mr Ioannis Fragkantonis, Yiannis Restaurant 132 Wollaton Road Beeston Nottingham NG9 2PE

From: Miley, John **On Behalf Of** licensing

Sent: 16 May 2017 17:17

To: 'Peter Elgar'

Subject: RE: Your ref JM/Hearing, Mr Ioannis Fragkantonis, Yiannis Restaurant 132 Wollaton Road Beeston Nottingham NG9 2PE

Hello Mr Elgar
Thank you for your email.

In respect of the letters sent, an initial letter was sent informing those making representations that there would be a hearing.

Mr Fragkantonis then made an offer to amend his application as outlined in the letter. To assist the process, the licensing team circulated the offer made by post.

To follow that, as part of the licensing process, formal notification of the hearing must be made to those making representations. This was hand delivered and arrived prior to the offer of amendment. A further letter will be sent out on Wednesday 17th May with the hearing information.

1. The hearing will still take place on 25th May and those attending will receive the hearing information.
2. The current licence currently covers
 - Recorded music Monday – Sunday 11.00 till 01.00
 - Sale of Alcohol Monday – Sunday 11.30 till 01.00

The application to vary covers

 - Live and recorded music Monday – Sunday 11.00 till 01.00
 - Late night refreshment (hot food and drink) Monday – Sunday 23.00 till 01.00
 - No change to the hours for the sale of alcohol.
3. In terms of current concerns, matters should be specifically raised as and when incidents or issues occur. The matter can then be referred to the relevant council department for attention. Your engagement with the variation process is a different matter and can legally only relate to the effect of the proposed variation.
4. When I spoke with Ms Olek I noted that a condition relating to the doors and windows had been proposed by the Environmental Health team and that this was likely to be attached to any licence granted as a result of the application. It is of course quite possible that the variation is not granted or granted with modifications and this will reflect the councillors consideration of the representations made.
It is perfectly in order, as part of your (or Ms Olek's) submission to the panel that you suggest such a condition for consideration if you think it will help resolve matters. Any conditions agreed would form part of the licence and require compliance by whoever was the premises licence holder.
5. So should the premises be sold, any conditions attached to the licence both current or agreed at a hearing would remain with the licence and be binding on any new owner.

I hope that clears matters up for you. If you have any further queries, please do not hesitate to contact me. I look forward to meeting Ms Olek at the hearing.

Kind regards
John Miley
Licensing Manager
Public Protection Division
Broxtowe Borough Council
Tel: 0115 917 3241
licensing@broxtowe.gov.uk

Postcode:	NG9 2PE
Tel:	[REDACTED]
Email:	[REDACTED]

BROADBENT & WATTS D.L.C.
 LEGAL & PLANNING
 24 APR 2017
 Ref. To:

Please provide details of the application to which you wish to make a representation:

Name of Applicant:	Ioannis Fragkantonis
Address of Premises:	Yiannis Restaurant 132 Wollaton Road
Application Details:	Provision of Late Night Refreshment Monday to Sunday 23:00 – 01:00 Next Day Provision of Regulated Entertainment Monday to Sunday 23:00 – 01:00 Next Day

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder	<input type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of Public Nuisance	<input checked="" type="checkbox"/>
The Protection of Children from Harm	<input type="checkbox"/>

I am really unhappy about this licence application because we are already disturbed by noise from Yianni's Restaurant, which is just at the bottom of our garden, and the new licence could make things worse.

Since moving in to this house, we have enjoyed living in this quiet area of Beeston. Even though it's quite central, it really is generally peaceful in the vicinity of our house. But this changed once Yianni's opened, because he often has his rear fire door open in the summer, which means we are disturbed by noise from inside his restaurant. It's like being in the beer garden of a noisy pub. We can't sit in our garden without having to put up with it and it really spoils our time in the garden.

We have been round to the restaurant many times to ask them to close the door, but they don't always close it, or it opens again later on in the evening. It's also not nice for us to have to keep going in to ask, and they haven't been understanding at all.

I believe that Roya's restaurant, next door to Yianni's, also has quite a late licence.

and it is very busy, with a thriving business, but we never hear anything from there at all. The problem is the back door of Yianni's being open. It would be really helpful if the council could make his licence conditional upon not disturbing neighbours, this could be achieved by keeping the rear door and windows closed and ensuring that, if music is amplified, it is not at a level where it can be heard outside.

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).



Please tick this box if you do not intend to attend or be represented at any hearing.



If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing.

Signed:



PRINT NAME:

C. FORK DUFF

Date:

21.4.17

Please return this form to the following address:

**Broxtowe Borough Council
Licensing Section
Regulatory Services
Resources Directorate
Council Offices
Foster Avenue
Beeston
Nottinghamshire
NG9 1AB**

Telephone 0115 917 3241



RECEIVED

24 APR 2017



**Broxtowe
Borough
COUNCIL**

Broxtowe Borough Council
Licensing Department
Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
Tel: 0115 917 3241
Fax: 0115 917 3131
Email: licensing@broxtowe.gov.uk

Licensing Act 2003

Form of Representation by an Interested Party

Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the sub-committee hearing.

As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament or a local ward or parish councillor who can all act in such a capacity.

Please indicate in which capacity you are making this representation by ticking a box below:

- A person affected by the premises
- A body representing a person affected by the premises
- A person involved in a business affected by the premises
- A body representing a business affected by the premises

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter contact details of interested party below:

Name:	MATTHEW SIMPKINS
Address:	[REDACTED]
Postcode:	[REDACTED]
Tel:	[REDACTED]
Email:	[REDACTED]

Please confirm name and address of person or business affected in the vicinity, if different from the address given above:

Name:	
Address:	
Postcode:	
Tel:	
Email:	



Please provide details of the application to which you wish to make a representation:

Name of Applicant:	YIANNIS RESTAURANT
Address of Premises:	132 WOLLATON ROAD, BEESTON NG9 2PE
Application Details:	LATE NIGHT OPENING AND OPENING A GIN BAR

Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant boxes:

The Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

The Protection of Children from Harm

Details of representation:

I am a resident who lives at [REDACTED]

I am very concerned at the prospect of an application for

Late night Refreshment at the Yiannis Restaurant 132 Wollaton Road Beeston NG9 2PE

My elderly mother lives with me and we do not relish the sound of noisy, worse for wear patrons of said establishment making their way to their cars, which 9 times out of 10 are parked in the area of Cyprus Drive/Cyprus Avenue

It also worries us that if we pass the restaurant walking to our home, we will have to pass by merry makers on the way to our house. The restaurant already serves food outside the premises at the front of the restaurant at the weekends and is already causing us unease when we pass by to travel to our home

We are very concerned and would be opposed to any extension of Regulated entertainment

Please continue on separate sheet if necessary

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.


Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above (please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).



Please tick this box if you do not intend to attend or be represented at any hearing.



If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing.

Signed: 

PRINT NAME: MATTHEW SIMPKINS

Date: 20-4-2017

Please return this form to the following address:

**Broxtowe Borough Council
Licensing Section
Public Protection Section
Chief Executive's Directorate
Council Offices
Foster Avenue
Beeston
Nottinghamshire
NG9 1AB**

Public Notices
LICENSING ACT 2003
 Notice is hereby given that I, **Leanne Fragantontis**, have applied to Broxtowe Borough Council for a variation to the premises license for the above premises to be carried out on the premises as follows:
 The provision of late night entertainment on Sunday 23.00 - 03.00hrs.
 The provision of regulated entertainment on Monday to Sunday 11.00 - 01.00 next day.
Leanne Fragantontis
 132 Wollaton Road
 Beeston
 Nottingham
 NG9 2PE

The Licensing Register, and full details of this application can be viewed at the offices of the Licensing Authority at Licensing Section, Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham NG9 2PE (www.broxtowe.gov.uk) between the hours of 9.00am and 4.30pm Monday to Friday by prior appointment.
 Interested parties or responsible representatives can make representations in writing to the Licensing Authority at any time up to 27th April 2017.
 It is an offence for anyone knowingly or recklessly to make a false statement in connection with a licence application. The maximum penalty on summary conviction for the offence is £5,000.
 Dated this 29th day of March 2017

16th April 2017
 BROXTOWE BOROUGH COUNCIL
 LICENSING DEPT.
 COUNCIL OFFICES
 FOSTER AVE.
 BEESTON
 NOTTINGHAM
 NG9 1AB.

BEESTON
 LE
 20 APR 2017

We the undersigned do vehemently object to an extended license being purported to Yiannis Restaurant 132 Wollaton Road, Beeston.


First and foremost the existing license they have got is generating problems for the residents of Abbey Road by loud noise and banging of car doors whilst people are already asleep. If further extension is allowed on his license this will only exasperate the situation. Secondly it will be detrimental to children who lives in the area and also children who resides with grandparents at weekends.

Thirdly as it is already on the periphery of becoming an antisocial criteria the already stretched Beeston Police force will have the added pressure of maintaining law and order and making sure it is not a breach of the peace, as people vacating the premises all hours of the morning will be loud and noisy due to ingress of alcohol.

Fourthly as most of the people on Abbey Road are family orientated or elderly, how are they going to cope with the loud music, surely this is an infringement on their quality of life. Who is going to monitor the decibels of music coming from the premises? Is it going to be at the council tax payers expense? Interesting Scenario.

Based on the balance of all probabilities and in the interest of justice the best way forward is for this license to be rejected.

Name
 Patrick Lally
 Mrs J.P. Lally
 Mr N.P. Lally
 Mrs N. Greening
 Mrs A. Morley
 Miss A. Pawcett
 Mr M. Fowler
 Mr N. Challen
 Anca Bordea

Address


C.C. on File
 C.C. Paddy Tipping - Police & Crime Commissioner

56

Licensing
3241
licensing@broxtowe.gov.uk

JM/Hearing

08 May 2017

File
COPY TO ALL INTERESTED PARTIES

De [REDACTED]

Applicant: Mr Ioannis Fragkantonis
Premises: Yiannis Restaurant, 132 Wollaton Road, Beeston, Nottingham, NG9 2PE

I have spoken with Mr Fragkantonis today with regard to his application to vary his premises licence and I have made him aware of the representations with regard to his application.

Mr Fragkantonis has assured me that he has no intention of changing his operating hours and would be happy to withdraw his application for late night refreshment, live and recorded music and the performance of dance. All he would like is the removal of the condition requiring that he may only serve alcohol to those people dining or waiting to dine.

With this in mind and the fact that any objections must be related only to the variation, He would ask you to reconsider your representation.

Any licensing or noise issues relating to the current operation of the premises are not relevant to the application and should be dealt with by contacting the Licensing or Public Health Sections of the Council.

Can I therefore ask you to confirm to me whether or not you wish to withdraw your representation subject to the above..

Yours sincerely

[REDACTED]
John Miley
Licensing Manager
Public Protection Section
Chief Executive's Directorate

Head of Public Protection - Mr D. K. Gell
Chief Executive's Directorate

Council Offices, Foster Avenue,
Beeston, Nottingham NG9 1AB
t: 0115 917 7777 f: 0115 917 3683
typetalk: 18001 0115 917 7777
e: health@broxtowe.gov.uk (Environmental Health)
e: licensing@broxtowe.gov.uk (Licensing)
w: www.broxtowe.gov.uk

Miley, John

Subject: FW: Yiannis Restaurant

From: Matthew Simpkins [mailto:]

Sent: 12 May 2017 07:23

To: licensing

Subject: RE: Yiannis Restaurant

Hello John Miley

After receiving your letter dated 08/05/2017

I feel comfortable with Mr Ioannis reply

I will be withdrawing my representation

Regards

Matthew Simpkins

