

Licensing Acts Panel

Report of Head of Legal & Democratic Services

Author: Richard Brown, Licensing Officer

Telephone: 01235 540534

Textphone: 18001 01235 540534

E-mail: richard.brown@southandvale.gov.uk

To: Licensing Acts Panel

DATE: 25 February 2015

Application for a premises licence for Domino's Pizza, 135 Ock Street, Abingdon.

Recommendation

That the panel consider the application for a premises licence and the relevant representations and decide whether to a) grant the licence as applied for, b) grant the licence after modifying any conditions to such extent as the authority considers necessary for the promotion of the licensing objectives, c) exclude from the scope of the licence any of the licensable activities to which the application relates, d) refuse to specify a person in the licence as the premises supervisor or e) reject the application.

Purpose of Report

- 1 To present the facts and relevant representations received in respect of an application for a premises licence for Domino's Pizza, 135 Ock Street, Abingdon, to the Licensing Acts Panel in order that it can determine the application under Section 18 of the Licensing Act 2003.

Strategic Objectives

- 2 The relevant strategic objective is that of 'building the local economy'. The relevant corporate priority is that of 'maintain low levels of crime and anti-social behaviour'.

Background

- 3.1 The Licensing Act 2003 ('the Act') established a single integrated scheme for licensing premises which are used for the supply of alcohol, regulated entertainment, late night refreshment or permission to carry on some or all of these activities. In the Act these activities are referred to collectively as the 'licensable activities'.

3.2 Any assessment of licensable activities must consider and promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

3.3 Licences will normally be granted by the licensing officer under delegated powers but in the event of relevant representations being received regarding the grant of a premises licence the application is then referred to the Licensing Acts Panel to be considered.

3.4 An application has been received for a new premises licence (**Appendix 1**). The application is for late night refreshment, as follows:

Licensing Activity	Proposed Days and Times
late night refreshment	2300-2400, 7 days a week
Hours premises are open to the public	1000-2400, 7 days a week

3.5 No representation has been received from Thames Valley Police

3.6 No representation has also been received from Environmental Protection

3.7 A representation has been made by Abingdon Town Council which is attached as **Appendix 2**

Options

4.1 In determining the application the authority must give weight to:

- representations received from Responsible Authorities
- relevant representations received from other persons
- the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003
- the council's statement of licensing policy and
- the steps necessary to promote the licensing objectives

4.2 In view of the above, the panel is requested to consider the application for a premises licence and decide whether to:

- (a) grant the licence as applied for,

- (b) grant the licence after modifying any conditions to such extent as the authority considers necessary for the promotion of the licensing objectives
- (c) exclude from the scope of the licence any of the licensable activities to which the application relates,
- (d) refuse to specify a person in the licence as the premises supervisor,
- (e) reject the application.

Financial Implications

- 5 Should the applicant or any other person wish to appeal against a decision of the council, they may do so to the Magistrates' Court. The council would incur costs should this occur, although the court may decide to award costs if the council's decision was upheld.

Legal Implications

- 6.1 The Human Rights Act 1998 requires public bodies to ensure everything they do is compatible with Convention Rights and makes it unlawful for a public authority to act incompatibly with those rights. When determining whether to grant the application the panel will be aware of human rights considerations, specifically Part 1, Article 6, the right to a fair trial, Part 2 and Article 8 the right to respect for private and family life for those making representations.
- 6.2 The hearing of all applications is subject to the principles of natural justice.
- 6.3 Section 17 of the Crime and Disorder Act 1998 states, 'without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area'.
- 6.4 Under Schedule 5, Part 1 of the Licensing Act 2003, any person aggrieved by the decision in respect of the application may appeal to a Magistrates' Court within 21 days of the date of the decision.

Conclusion

- 7 This report provides information submitted by the applicant and one other organisations. The panel should determine this application with a view to promoting the four licensing objectives. It must, having had regard to all the relevant representations and the evidence it hears, decide whether; a) grant the licence as applied for, b) grant the licence after modifying any conditions to such extent as the authority considers necessary for the promotion of the licensing objectives, c) exclude from the scope of the licence any of the licensable activities to which the application relates, d) refuse to specify a person in the licence as the premises supervisor or e) reject the application

Background Papers

None.

Appendix 1

RECEIVED

05 JAN 2015

Application for a premises licence to be granted
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.

We Sedona UK Limited

(Name of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description Dominus Pizzeria 135 Oak Street Abingdon Oxon			
Post town	Abingdon	Postcode	OX14 5DL

Telephone number at premises (if any)	01235 523383
Non-domestic rateable value of premises	£16,250

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | | |
|----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i. as a limited company | | please complete section (B) |
| | ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| | iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Poulton			First names Tom		
I am 18 years old or over			<input checked="" type="checkbox"/> Please tick yes		
Current postal address if different from premises address		The MSG Group Academy House London Road Camberley			
Post town	Camberley		Postcode	GU15 3HL	
Daytime contact telephone number					
E-mail address (optional)		Tom.poulton@thmsggroup.com			

I

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 type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	10:00	24:00				
Tue	10:00	24:00				
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Wed	10:00	24:00				
Thu	10:00	24:00				
			<u>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</u> (please read guidance note 5)			
Fri	10:00	24:00				
			One additional hour is required, on the morning that British Summer Time commences.			
Sat	10:00	24:00				
Sun	10:00	24:00				

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).

Empty box for highlighting adult entertainment or services.

L.

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	24:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	10:00	24:00	
Wed	10:00	24:00	
Thur	10:00	24:00	
Fri	10:00	24:00	
Sat	10:00	24:00	
Sun	10:00	24:00	

M Describe the steps you intend to take to promote the four licensing objectives:

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

Please see the attached document explaining how we will promote the four licensing objectives.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

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 4 – Signatures (please read guidance note 10)

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

Signature	Tom Poulton
Date	5.01.15
Capacity	Head of Property - Sedora

For joint applications, signature of 2nd applicant 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	
Capacity	

LICENSING OBJECTIVES

DOMINOS PIZZA

135 Oak Street

Abingdon

General – all four licensing objectives

The store is a franchise of the worldwide Dominos home delivery pizza chain. Dominos has been in business for more than 40 years and during that time has developed a system of business which primarily involves a home delivery services. Whilst it is possible to collect our products from the store the vast majority of our business is delivering pizzas and other products we sell, to peoples homes. We are governed by the rigorous standards set out in the Dominos Franchise Agreement and these relate to all aspects of operating the business from the preparation of ingredients right through to the manner in which the product is delivered to our customers. We are mindful of our obligations to our staff, our customers. We are mindful of our obligations to our staff, our customers and others e.g. local residents who may be affected by the operation of our business. Our store is adequately staffed so as to allow the proper management of the premises and supervision of those who visit them. The Dominos system does not allow the sale of alcohol. Where customers visit the store, our pizzas are supplied to them in closed cardboard boxes and the nature and size of the product is conducive to being taken home for consumption, rather than being eaten whilst walking along.

Prevention of crime and disorder

We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our store. We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately any such suspected activity on or in the vicinity of the store. Our employment policies are designed to ensure we recruit professional and reputable staff.
We do not use or supply glassware.

Public safety

The premises comply with all requisite health and safety legislation. We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement. In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our home delivery service, which is the primary way in which we serve our customers.

Prevention of public nuisance

Our doors and windows will be kept closed at night to prevent transmission of noise. Our stores have very few customers who visit to buy our product to take away but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours.
Music will not be played in the premises.

Our delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately and at all times to have in mind our neighbour particularly residential occupiers.

We would have no hesitation in banning people who visit the store and regularly leave the premises in a noise fashion.

Our equipment is properly sound insulated and operated strictly in accordance with manufacturers requirements, guide lines and tolerances.

All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises.

We neither use or supply glassware.

The provision of any late night refreshment for delivery will only be made to a persons place of residence business or their holiday accommodation.

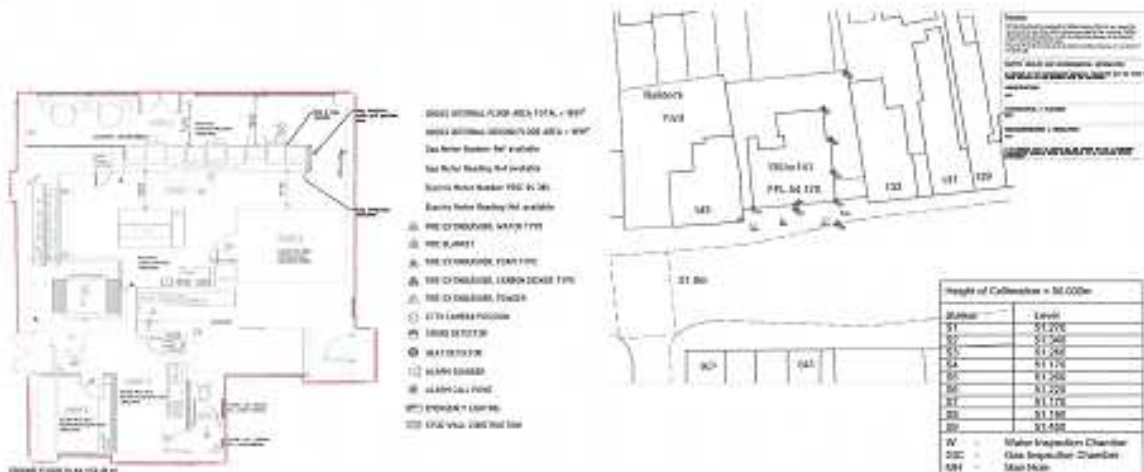
The protection of children from harm

Our store is not licensed for the sale of alcohol.

Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are licensed.

Adult Entertainment

1. In accordance with information provided on the application for this premises licence, there must be no 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.



Appendix 2

"Application for premises licence under Licensing Act 2003

Members considered the application in relation to Domino's Pizza, 135 Ock street, Abingdon. The Committee objected to the application on the grounds that the proposed extended opening hours would potentially constitute a public nuisance due to noise from the establishment which is close to residential properties. It was reported that this was already a problem and would increase if the extended opening hours were approved. Members also recollected that the current opening hours had been a planning condition and therefore queried whether the application for extended hours would be permitted under the terms of the property's planning permission."