

Licensing Acts Panel



Report of Head of Legal & Democratic Services

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To: Licensing Acts Panel

DATE: 1 December 2015



Application for a premises licence for Domino Pizza 19-19a High Street, Thame, Oxfordshire.

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 Pizza. 19-19a High Street, Thame, Oxfordshire, 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 site notice was inspected by a licensing officer on 2 November 2015. The application is for Late Night Refreshment as follows:

Licensing Activity	Proposed Days and Times
Late Night Refreshment	Monday 23:00 – 00:00
Late Night Refreshment	Tuesday 23:00 – 00:00
Late Night Refreshment	Wednesday 23:00 – 00:00
Late Night Refreshment	Thursday 23:00 – 00:00
Late Night Refreshment	Friday 23:00 – 01:00
Late Night Refreshment	Saturday 23:00 – 01:00
Late Night Refreshment	Sunday 23:00 – 00:00

3.5 Twelve representations have been received all of which are appended (**Appendix 2**). and are summarised as follows:

- The late hours will have an adverse effect on the quiet enjoyment of nearby properties
- Late trading will attract intoxicated individuals who have little regard about issues of noise or nuisance
- Large gatherings of people waiting to be served late at night could result in criminal damage being caused to their property or cars parked nearby.
- This is not an appropriate business to be sited in a residential area due to the following:
 - Noise and disturbance to sleep which will be caused by the congregation of late night customers
 - Smells from the business

- Littering by customers
- Antisocial behaviour
- Constant movement of vehicles from customers and Domino delivery vehicles with unavoidable engine noise and door slamming.

The applicant was contacted on 2 November 2015 to discuss varying the application but no response has been received and it has not been possible to agree an informal resolution between the applicant and those making the representations.

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 other people. 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

Legal & Democratic Services
 09 OCT 2015
 Received

end - 6/11/15 ✓
 scanned plans ✓

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 AB: 54454

Application for a premises licence to be granted under the Licensing Act 2003

LIC NO: 19546

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.

cust
 supplier ID:
 57736

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

I/We Banbury Heath Ltd

(Insert name(s) 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			
T/A Domino's Pizza 19-19a High Street			
Post town	Thame	Postcode	OX9 2BZ

Telephone number at premises (if any)	01844 260888
Non-domestic rateable value of premises	£16,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

[Handwritten signature]

consultation ends 6.11.15

- 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Banbury Heath Ltd
Address C/O Wise Geary The Courtyard Chapel Lane Bodicote Banbury OX15 4DB
Registered number (where applicable) 06438785
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) N/A
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	3	1 0 2 0 1 5

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises consist of a Domino's Home Delivery store. The vast majority of Pizzas are delivered. The remainder are collected for consumption off the premises.

The store will be opening every day, with the exception of Christmas Day.

Please can we request an additional hour on the morning that British Summer Time commences?

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- 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)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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					
Sun					

Please note sections B to H of the application are blank and have been omitted.

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	00:00	Please give further details here (please read guidance note 3) The premises consist of a Domino’s Home Delivery store. The vast majority of Pizzas are delivered. The remainder are collected for consumption off the premises.	Both	<input type="checkbox"/>
Tue	09:00	00:00			
Wed	09:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) The store will be opening every day, with the exception of Christmas Day.		
Thur	09:00	00:00	Please can we request an additional hour on the morning that British Summer Time commences?		
Fri	09:00	01:00	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)		
Sat	09:00	01:00			
Sun	09:00	00:00			

Section J is blank and has been omitted.

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).

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4)</p> <p>The store will be opening every day, with the exception of Christmas Day.</p> <p>Please can we request an additional hour on the morning that British Summer Time commences?</p>
Day	Start	Finish	<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>
Mon	09:00	00:00	
Tue	09:00	00:00	
Wed	09:00	00:00	
Thur	09:00	00:00	
Fri	09:00	01:00	
Sat	09:00	01:00	
Sun	09:00	00:00	

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 attached steps we intend to take promote the four licencing objectives

b) The prevention of crime and disorder

As Above

c) Public safety

As Above

d) The prevention of public nuisance

As Above

e) The protection of children from harm

As above

Checklist:

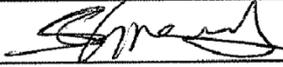
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- 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.
- 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 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	
Date	07/10/2015
Capacity	DIRECTOR

✓
OKS

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	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Sarah Kirkum Academy House 403 London Road			
Post town	Camberley	Postcode	GU15 3HL
Telephone number (if any)	01276 401854		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Sarah.kirkum@themsggroup.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

THE STEPS WE INTEND TO TAKE TO PROMOTE THE FOUR LICENSING OBJECTIVES

A. General - All Four Licensing Objectives

The store is a franchise of the worldwide Domino's home delivery pizza chain. Domino's 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 people's homes. We are governed by the rigorous standards set out in the Domino's 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, 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 Domino's 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.

B. The 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 of 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.

C. 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.

D. The 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 neighbours (particularly residential occupiers).

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

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

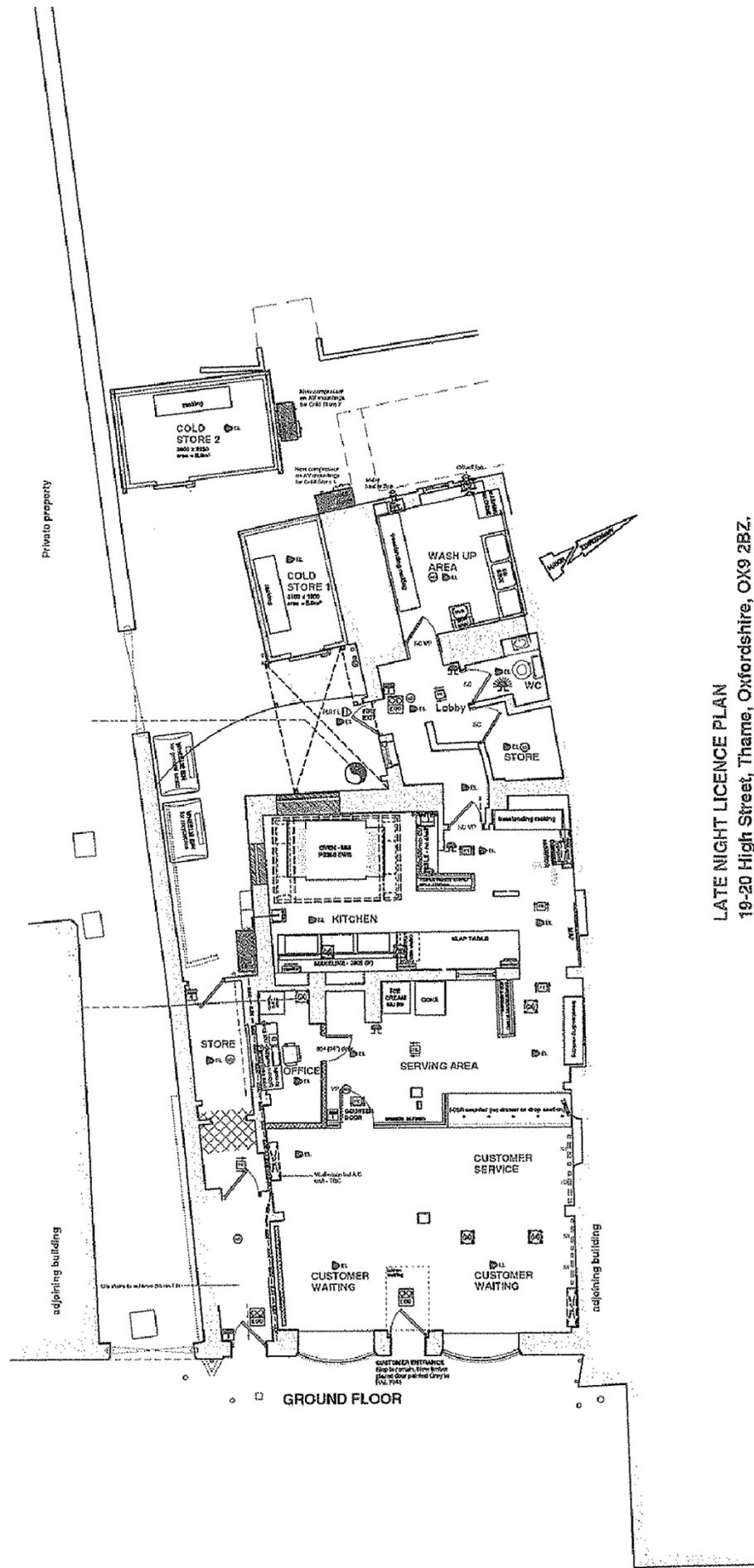
All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises.

We neither use nor supply glassware.

E. 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.



LATE NIGHT LICENCE PLAN
19-20 High Street, Thame, Oxfordshire, OX9 2BZ.
SCALE: 1:100 on A3