

## LICENSING PANEL

Tuesday, 2 October 2012 (10:00 am – 11:00 am)

### PRESENT:

Councillor Pretty (Chairman); Councillors Mrs Welsh and Winstanley

---

#### 1. THE APPLICATION

The Clerk outlined the premises licence application.

Dominos Pizza, were applying for a premises licence for their premises to enable them to provide late night refreshment from 2300 to 0100hours 7 days a week

The Panel were advised that following negotiations with the Police they had agreed to certain conditions regarding the need for CCTV and curtailing the opening hours to midnight. Following these negotiations there were no representations about the proposed licence by any of the Responsible Authorities. However 3 local residents have made representation, and their written representations had been included with the papers for this hearing.

#### 2. THE APPLICANT

The hearing was attended by Mr Mark Parker, a Director of Solent Pizza Delivery (the applicant) and Mr Michael R Moore, solicitor. Mr Moore outlined the application including the changes agreed with the Police. Mr Moore explained the applicant was aware of a planning condition restricting opening hours to 2300 but it was their intention to apply first for the licence and if successful then to apply for a change to the planning conditions.

When asked what proportion of pizza orders were for collection and how many for delivery Mr Parker advised that commuters on their way back from work generally collected, and as the evening went on deliveries were far more popular. Mr Parker also reported that they form litter squads outside their premises and try to ensure no loitering takes place. Their relationship with the police was reported to be excellent.

#### 3. REPRESENTATIONS FROM RESIDENTS

None of the residents making representation were in attendance, however the Panel gave their representations all due consideration.

#### 4. THE DECISION

The Panel withdrew from the meeting to make their decision and invited the Clerk and Legal Adviser to join them.

The following decision was read out to the hearing when the Panel reconvened:

All parties shall receive notice of the decision in writing. The Panel has considered the operating schedule submitted by the applicant, the Council's Licensing Policy, the statutory guidance, the Human Rights Act and the additional conditions (as well as mandatory conditions) and relevant representations. Consequently and in all the circumstances the Panel believes that the application should be granted in full - subject to the additional conditions as agreed with the Police.

The applicant submitted conditions agreed with the Police (CCTV) and further confirmed that the application was amended by agreement to show a terminal hour for the provision of late night refreshment and the hours the premises are open to the public of midnight, 7 days a week.

The panel has considered very carefully all the evidence submitted both in the formal representations made and given orally today.

It was noted that the application raised no objection from the Police, or Environmental Health. Resident objections, so far as they related to licensing objectives, were carefully considered.

Residents can be reassured by provisions contained within the Licensing Act 2003, which enable the licensing authority to conduct a review hearing in the event that any licence granted subsequently creates issues relating to the licensing objectives, and clear evidence relating to the premises is presented.

#### **Reasons:**

The Panel considered carefully the representations received regarding the potential for noise nuisance and disturbance (insofar as they relate to public nuisance and the prevention of crime and disorder). However in light of the amendment offered by the applicant limiting the hours of operation to midnight 7 days a week, the Panel were satisfied on the balance of probabilities that it would not be appropriate or proportionate to further restrict the licensed hours. Further, the Panel was mindful of the power of review and the fact that both Environmental Health and the Police were satisfied with the terms of the application.

There is a right of appeal to Magistrates Court for all parties. The formal notice of the decision will detail this right.

---

M5039