

Licensing Sub-Committee	23 June 2017
Pizza & Grill Bros	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a new premises licence under the Licensing Act 2003.
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1. Application

Applicant and Premises	
Application Type	New application (M/091567)
Applicant	Pizza & Grill Bros 66-68 Butt Road Colchester
Premises	Pizza & Grill Bros
Premises Address	66-68 Butt Road Colchester
Premises description	Premises serving kebabs and pizza
Ward	Ward: New Town & Christ Church

Proposed licensable activities and hours

Provision of late night refreshment							
Indoors/Outdoors or both			Indoors		Outdoors		Both
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	14.00	14.00	14.00	14.00	14.00	14.00	12.00
End	02.00	02.00	02.00	02.00	03.00	03.00	02.00
Seasonal variations							
Non-standard timings							

2. Conditions

Offered on the operating schedule
The following conditions are taken from the application form attached at Appendix 1.

Only those that are enforceable under the Licensing Act 2003 are set out below; some conditions have been re-worded to ensure clarity. The exclusion of certain conditions, for example in relation to public safety, does not mean they should not be complied with but rather than the enforcement measures in relation to these matters lies within other primary legislation.

A number of the conditions listed in the operating schedule refer to the sale of alcohol but it should be noted that the application does not seek permission for the sale of alcohol and therefore these conditions are not relevant.

1. Management controls and effective training of all staff in the premises' duty of care, company policies and reporting procedures, action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services, and the conditions in force under this licence; this is to ensure the promotion of the licensing objectives.

2. The premises must install, operate and maintain a comprehensive digital colour CCTV system enabling facial identification of every person entering the premises and covering all public areas of the licensed premises, including all public entry and exit points. The CCTV cameras must continually record while the premises are open to the public and recording must be kept available and unedited for a minimum of 31 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system must be able to produce/download/burn CCTV images upon request by a Police officer or an authorised officer of the Licensing Authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums must be provided.

3. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

4. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

5. Deliveries of goods necessary for the operation of the business will be carried out at such a time as to prevent nuisance and disturbance to nearby residents. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerably without causing any obstruction to the highway.

6. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

7. Customers will be asked not to stand around loudly talking in the street outside the premises.

8. The movement of bins and rubbish outside the premises will be kept to a minimum after 23.00. This will help to reduce the levels of noise produced by the premises.

9. Adequate waste receptacles for use by customers will be provided in the local vicinity.

2. Representations

Licensing Authority	Representation	Annex 3a
Environmental Protection	Representation	Annex 3b

3. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

2.2 The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

2.9 Applicants are expected to consider all the policies relevant to their application; these include general policies, key factors and where appropriate special policies.

3.14 **Subject to compliance with the other policies** the types of licensed premises set out in the Matrix below will generally be acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

KF1 - What we aim to encourage

Please note

- The times given in the Matrix above are for licensable activities.
- In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating

schedule.

- **Any application which falls outside the times given in the Matrix will need to demonstrate a genuinely exceptional case to justify departure from the Policy. The reasons for the exception should be shown in the operating schedule and must demonstrate that there will be no derogation in the licensing objectives, including from departing customers**

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Late Night Takeaways *	Yes until 22.00	Yes until midnight	Yes until 01.00

KF2 - The location of licensed premises

3.15 The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

- The proposed operation of the premises having regard:
to the licensable activities applied for,
the size, structure and proposed capacity,
the type/nature of the business
- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

3.18 There is the need to balance the needs of residents with that of the night time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise

Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)

Prevention of disturbance by people outside the premises (e.g. smoking areas)

Litter from the premises (This issue is considered particularly relevant in respect of late night takeaways and smoking-related litter outside of licensed premises)

Disturbance caused by deliveries and collections at the premises including waste and bottle collection

KF3 - Hours for licensed premises

3.20 The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

3.23 Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the licensing objectives, such as youth-oriented, alcohol-driven premises.

3.24 It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognized that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

3.25 The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

4. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application

- Reject the whole or part of the application

Appendices

Appendix 1	Application
Appendix 2	Premises plans and location plan
Appendix 3	Responsible authorities/other bodies representations and supporting documentation

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840
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