

BATH AND NORTH EAST SOMERSET

LICENSING (GAMBLING AND LICENSING) SUB-COMMITTEE

Friday, 1st April, 2011

Present:- Councillors:- Tim Warren, Tim Ball and Gabriel Batt

Also in attendance: Emma Stoneman (Licensing Officer) and Francesca Smith (Senior Legal Adviser)

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

2 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 MINUTES: 21ST FEBRUARY 2011

These were approved as a correct record and signed by the Chair.

7 LICENSING PROCEDURE

The Chair drew attention to the Licensing Procedure, copies of which had been made available to members of the public attending the meeting.

8 APPLICATION TO VARY A PREMISES LICENCE FOR DOMINO'S PIZZA, LONG ACRE, LONDON ROAD, WALCOT, BATH BA1 5NL

Applicant: Bath Pizza Ltd, t/a Domino's Pizza, represented by Tim Skelton (Head of Estates), Kelvin Price (Operations Manager), Sigurd Wilberg (Franchisee)

Interested Parties: Steven Dyson, Alex Schlesinger, Rachel Witcombe

The parties confirmed that they had received and understood the licensing procedure.

The Licensing Officer summarised the application. The applicant was seeking to extend the terminal hour for late night refreshment and the closing hour from 01.00 Mondays to Saturdays and 23.30 on Sundays to 01.30 seven days a week. She said that she had received a late email and a photograph from an Interested Party that had not been enclosed with their representation and asked whether they could be submitted in evidence. Mr Skelton did not agree to this, and following advice from the Senior Legal Adviser the Chair did not admit them.

The Applicant's representatives stated their case. Mr Skelton said that he had little add to the Applicant's written submissions, though he was happy to discuss any issues. He submitted that the application sought only a minor extension of hours. He was conscious that local residents had concerns about the operation of the premises, but Domino's prided itself on its community relations. Mr Wilburg said that he had written to all residents in the vicinity informing them of the application and had arranged a meeting to discuss any concerns that they may have. At the meeting it had been agreed that the hours of the premises would be extended in stages; this application was the first stage.

In reply to questions from Members, the Applicant's representatives stated:

- about 20 people had attended the meeting arranged for residents
- five dedicated parking spaces were included in the lease of the premises
- when the residents were comfortable with the operation of the premises, Domino's would like to open for the same hours as other takeaways in the vicinity
- radios in delivery vehicles had on/off buttons
- it was Domino's intention to introduce low-noise electric bikes for deliveries in due course

In reply to a question from a Member, the Licensing Officer stated that there were other takeaways in the vicinity which stayed open till 3am.

The Interested Parties put questions to the Applicant's representatives.

Ms Witcombe asked how the Applicant could prevent customers from playing loud music in their cars. Mr Price suggested that not all the loud music could be attributed to customers; residents were constantly passing back and forth and they could be responsible for some of it.

Mr Dyson asked about the occupation of disabled parking places by other vehicles. Mr Price replied that Domino's staff could not be parking enforcers. However, if there were recurrent problems caused by regular customers, Domino's would speak to them.

Mr Schlesinger asked what time staff would leave the premises at night. Mr Price said that they would do so within ten or fifteen minutes of closing. Cleaning was done behind closed doors and should not give rise to noise nuisance.

The Interested Parties were invited to state their cases.

Mr Schlesinger said that he was concerned about the continuing increase in economic activity along London Road, which was bringing more and more people into the area. He thought that London Road was becoming, in effect, a motorway service station.

Mr Dyson said that his main concern was parking. Domino's delivery vehicles had on occasion obstructed residents parking outside Walcot House. Sometimes residents had to reverse onto the main road because they had been blocked in. In reply to a question from a Member he said that the delivery vehicles did not park at the rear of the premises, but in the double bays at the front, where they caused an obstruction that pedestrians had to walk round.

In reply to a question from a Member Mr Price stated that although there were a maximum of five delivery vehicles, they would not all be at the premises at the same time; Domino's employed drivers to make deliveries and not to sit in parked vehicles at the premises.

The parties were invited to sum up.

Mr Schlesinger said that he was concerned by the prospect of a creeping extension of the operating hours of the premises.

Mr Dyson said that the parking issues should be resolved before the operating hours were extended.

Mr Price said that since moving into the neighbourhood Domino's had met local residents. They were always willing to discuss the concerns of residents. If residents found the extension applied for acceptable, Domino's would meet them again to discuss a further extension. Mr Wilburg said that Domino's believed in working with the local community. It had been originally intended to apply for a terminal hour of 3.00am, but this had been cut back following discussions with residents.

Following an adjournment, the Sub-Committee **RESOLVED** to grant the application as applied for, subject to conditions consistent with the Operating Schedule. Authority was delegated to the Licensing Officer to issue the licence accordingly.

REASONS

Members have today determined an application for the variation of a premises licence for Domino's Pizza, Long Acre, London Road, Bath. In doing so they have taken account of the Licensing Act, Human Rights Act, the Council's Policy and the Statutory Guidance.

Members are aware that the proper approach under the Licensing Act is to only do what is necessary and proportionate to promote the licensing objectives in light of what is presented to them.

Members considered the relevant representations and took account of the evidence put before them. They were careful to balance the competing interests of the applicant and those of the Interested Parties in reaching a decision.

Members considered evidence from the Interested Parties in relation to nuisance parking by delivery vehicles and customers attending the premises.

They noted that the premises could use five bays for the parking of delivery vehicles and that only five delivery vehicles would be used after 23.30 on Sundays and 01.00 Mondays to Saturdays.

Members noted that they did not have any powers under the Licensing Act which would enable them to control where customers parked as this is a matter for parking enforcement. They considered that the measures proposed in the Operating Schedule would adequately address the problems experienced by the Interested Parties.

The meeting ended at 11.59 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services