

Bath & North East Somerset Council

MEETING:	Licensing (Gambling and Licensing) Committee	AGENDA ITEM NUMBER
MEETING DATE:	Monday 23 April 2012	
TITLE:	Application to Vary a Premises Licence for Domino's Pizza , Long Acre, London Road, Bath BA1 5DL	
WARD:	Walcot	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A Application to Vary the Premises Licence		
Annex B Current Premises Licence		
Annex C Site Plan		
Annex D Representations from Environmental Protection		
Annex E Representations from Interested Parties		

1 THE ISSUE

1.1 An application has been received for the variation of an existing Premises Licence under Section 34 of the Licensing Act 2003 in respect of Domino's Pizza.

2 RECOMMENDATION

2.1 That the sub committee determine the application to vary the licence.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4 THE REPORT

4.1 An application has been received for the variation of a Premises Licence.

4.2 The current Premises Licence permits the following licensable activities:

1) **Late Night Refreshment** between the following hours:

Every Day 23.00 to 01.30 the following morning

2) The **Opening Hours** for the premises are as follows:

Every Day 23.00 to 01.30 the following morning

3) The licence is subject to the following conditions:

- CCTV to be installed and maintained in full working order. CCTV images will be retained for a minimum period of 60 days. CCTV footage will be made available to the Police on request.
- The premises shall have an alarm system which includes panic buttons linked to the local police station.
- Notices to be displayed prominently asking customers to leave quietly and to respect neighbours and their property.
- No more than 5 delivery vehicles are to be in use after 23:30 hours on Sundays and after 01:00 hours Monday to Saturday.
- After midnight, no mopeds are to be used for deliveries.
- All drivers are to have a notice in their car stating "Do not slam car doors, rev engines or play loud music".
- The name and contact number of the store manager is to be displayed in a position where it can be clearly seen by the public without having to enter the store.
- There will be regular rubbish patrols during trading hours and following closure in order to clear away any litter associated with the premises.

4.3 The **Variation** application seeks to:

extend the terminal hour in respect of Late Night Refreshment and closing time every day from 01:30 hours **to** 05:00 hours every day.

4.4 A site plan is attached at Annex C.

4.5 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:-

- a) The Prevention of Crime and Disorder.
- b) Public Safety.
- c) The Prevention of Public Nuisance, and
- d) The Protection of Children from Harm.

Each objective is of equal importance; there are no other licensing objectives so these four are of paramount consideration at all times. When considering applications/representations /notifications the Licensing Authority will have regard to these licensing objectives.

4.6 The Licensing Authority may vary and grant the application with or without additional conditions.

4.7 The Licensing Authority can refuse the variation or part of the variation as it considers necessary for the promotion of the licensing objectives.

4.8 The Licensing Authority may not however do anything to reduce the effect of the rights guaranteed by the existing premises licence.

- 4.9 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council's Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3, 5, 6, 9,10, 16, 17, 18, 19, 20, 23, 24, 28, 30, 33, 35, 36, 37, 41 to 44 inclusive of the policy.
 - b) Chapters 8, 9 and 10 of the Statutory Guidance (as revised October 2010)
 - c) Sections 4, 9, 10, 13, 34, 35, 36, 182 and 183 of the Act.
- 4.10 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary for the applicant to ensure that he/she has **ALL** the necessary permissions in place to enable them to run the business within the law.
- 4.11 If the application is refused the applicant may appeal within 21 days of the notification to the Magistrates Court.
- If the application is granted the person making the relevant representation may appeal within 21 days of the notification to the Magistrates Court.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 4.12 In accordance with the requirements of the Act the applicants served copies of the application upon the Police, the Fire Authority, Environmental Health, Development Control, Trading Standards, and the Child Protection Agency. No representations have been received from any of the Responsible Authorities.
- 4.13 The applicant is required to place a notice at the premises for a period of 28 days starting the day after the application is made and place an advert in a local newspaper within 10 working days of submitting the application to the licensing authority.
- 4.14 A representation has been received from Environmental Health in relation to the prevention of public nuisance objective (Annex D). It raises concern that the applicant's proposals are likely to increase the noise nuisance experienced by local residents to date.
- 4.15 Representations have been received from three interested parties living within the vicinity of the premises, in relation to the prevention of public nuisance licensing objective (Annex E).
- 4.16 This report has not been sent to the Trades Union because they would have no involvement in this application.

5 RISK ASSESSMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

- 6.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found.

7 CONSULTATION

7.1 In accordance with the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005, the applicant has given notice of the application to all the relevant Responsible Authorities and has advertised the application in the manner prescribed, both at the premises and within a local publication.

8 ISSUES TO CONSIDER IN REACHING DECISION

8.1 When reaching a decision, the licensing authority must carry out its functions with a view to promoting the four licensing objectives.

8.2 Consideration must be given to the Human Rights Act 1998 and the “convention rights”.

9 ADVICE SOUGHT

9.1 The Council’s Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Background papers	Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003; Licensing Act 2003 (Hearing Regulations) 2005, B&NES Statement of Licensing Policy.
Contact person	Terrill Wolyn, Senior Licensing Officer

12/01230

ANNEX A

ENVIRONMENTAL SERVICES

Application to vary a premises licence under the Licensing Act 2003

28 FEB 2012

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

 Post Log No.
 Receipt No. 429414
 CH/CA £.19.0

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.

I/We Bath Pizza LTD T/A Domino's Pizza

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

11/00878/LAPRE

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Domino's Pizza, Long Acre, London Road

Post town Bath

Post code BA1 5DL

Telephone number at premises (if any) 01225421421

Non-domestic rateable value of premises £28750

Part 2 – Applicant details

Daytime contact telephone number 07717228979

E-mail address (optional) Teamwestoffice@btinternet.com

Current postal address if different from premises address 38 Ferndale Road

Post Town Swindon

Postcode SN2 1EX

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend current closing time for Monday to Sunday by three and an half hours to 05:00

To extend the terminal hour in respect of late night refreshment, in line with the above mentioned closing times

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

<u>Provision of regulated entertainment</u>	Please tick yes
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>
<u>Provision of entertainment facilities:</u>	
i) making music (if ticking yes, fill in box I)	<input type="checkbox"/>
j) dancing (if ticking yes, fill in box J)	<input type="checkbox"/>
k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	<input type="checkbox"/>
<u>Provision of late night refreshment</u> (if ticking yes, fill in box L)	<input checked="" type="checkbox"/>
<u>Sale by retail of alcohol</u> (if ticking yes, fill in box M)	<input type="checkbox"/>

In all cases complete boxes N, O and P

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
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					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music 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			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur					
Fri			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Sat					
Sun			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

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 – <u>please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	05:00	Please give further details here (please read guidance note 3) Not Applicable.	Both	<input checked="" type="checkbox"/>
Tue	23:00	05:00			
Wed	23:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Not Applicable		
Thur	23:00	05:00			
Fri	23:00	05:00	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) Not Applicable		
Sat	23:00	05:00			
Sun	23:00	05:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	

N

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)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) Not Applicable
Day	Start	Finish	<u>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</u> (please read guidance note 5) Not Applicable
Mon	10:00	05:00	
Tue	10:00	05:00	
Wed	10:00	05:00	
Thur	10:00	05:00	
Fri	10:00	05:00	
Sat	10:00	05:00	
Sun	10:00	05:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

ANNEX A

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

With the exception of staff still undergoing training, all staff will be trained in those aspects of their job relating to the prevention of crime and disorder, the prevention of public nuisance, and will be aware of those aspects of the Health and Safety at Work etc. Act 1974 which relate to their role within the business

b) The prevention of crime and disorder

We will not employ any staff unless they have been properly trained in those aspects of their job which may have an impact on crime and disorder. The only exception will be for staff still undergoing training, providing that they are closely supervised when serving customers

CCTV does cover the store inside and outside plus footage shall be kept for a minimum of 60 days, this footage will be made available to the Police if they request it at any time

The extended hours will increase natural surveillance of the local area resulting in reduced incidents and opportunities for crime and disorder

c) Public safety

The public Safety side of our business is governed by the Health and Safety at Work etc. Act 1974 and in general we will not be doing anything extra to satisfy the requirements of the Licensing act 2003. We will take care not to leave dangerous items such as dinner knives and glass containers within the reach of customers at night, when some of them may have consumed alcohol elsewhere before entering the premises

The premise is covered by CCTV and the alleyway at the side of the store is well lit

d) The prevention of public nuisance

The sale of heated food on our premises does not cause any noise problem in itself.

Our customer door does not bang shut, and that any alert used to signal that the door has been left open does not create a noise problem for neighbours.

1. Relevance of Licensing Conditions:

The store will ensure that the conditions of the Premises Licences are strictly adhered to. The store will be operated to encourage customers to leave as quietly as possible and deliveries to be made as quietly as possible.

2. Notices at Exit:

Highly visible notices are placed at the entrance asking customers to leave quietly and to respect neighbours and their property

3. Delivery vehicles:

- No delivery vehicles will be mopeds after midnight.
- All drivers have a label in their car stating "Do not slam car doors, rev engines or play loud music;
- Any member of staff found to be contravening any of the above policies or otherwise creating a nuisance will be subject to the Company's disciplinary procedures;

4. Internal noise:

- No music is played in the store
- All doors and windows are kept shut except for access and egress;

5. The name and contact number of the Store Manager is displayed in a position where it can be seen by the public without having to enter the store.

6. Rubbish:

The store sends out a 'Rubbish Patrol' during trading and following closure. They pick up bottles and food wrappings in a designated area. (These are very likely to be from sources other than the store – but they will be collected and disposed of.)

On rare occasions this patrol may be faced with the result of antisocial behaviour such as vomiting and urination. This will be cleared by use with a mop and bucket containing a disinfectant solution and this is unassociated with our use but the cause of third party premises. we are merely benefitting the local area by clearing up the mess.

7. Staff:

Consideration will be given to procedures for staff departures at the end of the evening.

8. Training:

Training at all levels will be conducted to ensure understanding and implementation of this plan.

e) The protection of children from harm

The sale of heated food has no direct relevance to protecting children from harm and we will discharge our responsibilities under the Licensing Act simply by being good citizens.


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	28 th February 2012
Capacity	Company Manager

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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 address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

ANNEX A

Bath & North East Somerset Council

Schedule 12 Part A

Regulation 33, 34

Premises Licence

Premises Licence Number	11/00878/LAPRE
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Domino's Pizza
Long Acre
London Road
Walcot
Bath
BA1 5NL

Telephone number Not available

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Late Night Refreshment (Indoors and Outdoors)

Every Day 23:00 - 01:30

The opening hours of the premises

Every Day 10:00 - 01:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Not Applicable

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Bath Pizza Ltd T/A Domino's Pizza
38 Ferndale Road
Swindon
Wiltshire
SN2 1EX
07717228979
teamwestoffice@btinternet.com

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 05129511

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of
Bath & North East Somerset Council:

Estonemas

Dated 1 April 2011

**Bath & North East
Somerset Council**

Annex 1 – Mandatory conditions

Annex 2 – Conditions consistent with the Operating Schedule

CCTV to be installed and maintained in full working order. CCTV images will be retained for a minimum period of 60 days. CCTV footage will be made available to the Police on request.

The premises shall have an alarm system which includes panic buttons linked to the local police station.

Notices to be displayed prominently asking customers to leave quietly and to respect neighbours and their property.

No more than five delivery vehicles are to be in use after 23.30 hours on Sundays and after 01.00 hours Monday to Saturday.

After midnight no mopeds are to be used for deliveries.

All drivers are to have a notice in their car stating "Do not slam car doors, rev engines or play loud music."

The name and contact number of the store manager is to be displayed in a position where it can be clearly seen by the public without having to enter the store.

There will be regular rubbish patrols during trading hours and following closure in order to clear away any litter associated with the premises.

**Bath & North East
Somerset Council**

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

As submitted with application.

Part B

Premises Licence Summary

Premises Licence Number	11/00878/LAPRE
--------------------------------	----------------

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Domino's Pizza
Long Acre
London Road
Walcot
Bath
BA1 5NL

Telephone number Not available

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Late Night Refreshment (Indoors and Outdoors)

Every Day 23:00 - 01:30

The opening hours of the premises

Every Day 10:00 - 01:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Not Applicable

Bath & North East Somerset Council

Name, (registered) address of holder of premises licence

Bath Pizza Ltd T/A Domino's Pizza
38 Ferndale Road
Swindon
Wiltshire
SN2 1EX

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 05129511

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Not Applicable

State whether access to the premises by children is restricted or prohibited

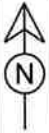
As per Operating Schedule at Annex 2.

**Bath and North East Somerset:
District Online**

Date: 4-4-2012

Scale: 1:1250

Bath & North East
Somerset Council



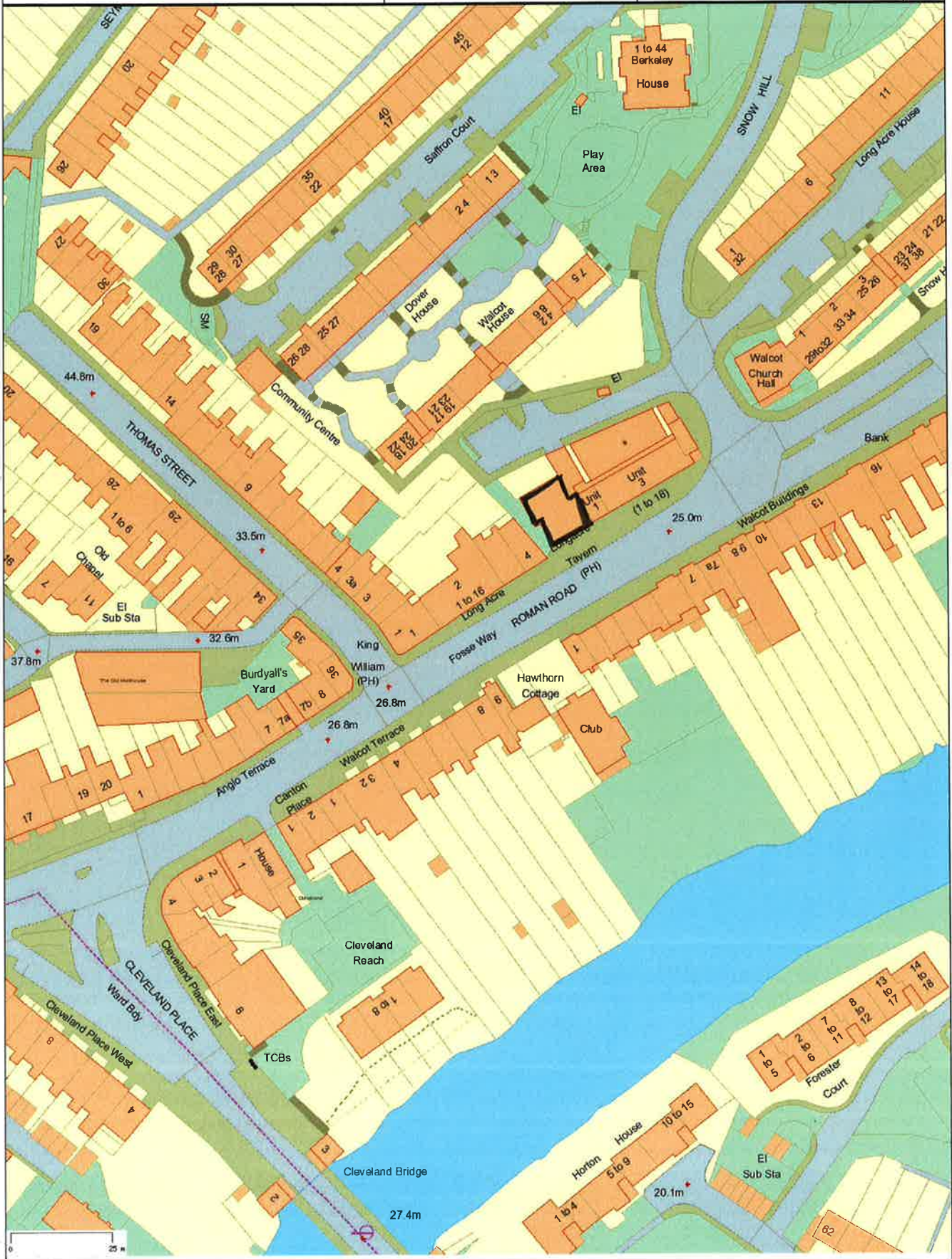
GMIS Web Mapping PDF

Nomino's Pizza Variation

Map Centre - easting / northing:

375367 / 165818

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Representation Form

Responsible Authority. (Please delete as applicable.)

Police / Fire / **EP (noise)** / Health and Safety / Child Protection / Weights and Measures / Planning Authority / Marine Agency.

Your Name	Jeremy Lockley
Job Title	Environmental Health Officer
Postal and email address	Environmental Protection 9-10 Bath Street Bath BA1 1SN Jeremy_lockley@bathnes.gov.uk
Contact telephone number	01225 396634

Name of the premises you are making a representation about.	Dominos Pizza
Address of the premises you are making a representation about.	Long Acre London Road Bath BA1 5L

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	No	
Public safety	No	
To prevent public nuisance	Yes	In my professional opinion the extension of the licensed hours has the potential to lead to complaints of noise nuisance arising from the associated use of delivery vehicles into the early hours of the morning. Local residents have raised concerns about the potential for

		increased noise and highlighted instances of noise disturbance that they have experienced to date. An extension to the licensed hours will lead to further disturbances. I would recommend that a condition is placed on the license preventing the use of delivery vehicles to fulfil customer orders between 02.00hrs and 07:00hrs on any day.
The prevention of harm to children	No	
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.		The use of vehicles for delivering customer orders shall not be permitted between the hours of 02.00 and 07.00 on any day.

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed: Jeremy Lockley

Date: 28.03.12

Please return this form along with any additional sheets to:

Licensing Team
Public Protection
9-10 Bath Street
Bath
BA1 1SN

E-mail address: licensing@bathnes.gov.uk

This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.



Printed on recycled paper

	Environmental Services	
9-10 Bath Street, Bath BA1 1SN		
www.bathnes.gov.uk		
Date: 16 March 2012		
Date: 16 March 2012 Date:	16 March 2012	
Our ref: 12/01230/LAPRE		
Direct line: (01225) 477531		
Fax: (01225) 477596		
Email: licensing@bathnes.gov.uk		

Dear Sir/Madam

Licensing Act 2003

Domino's Pizza Long Acre London Road Walcot Bath BA1 5NL

We acknowledge receipt of your representation regarding the above. Representations made under the Licensing Act 2003 must be passed to the applicant and published in the official hearing papers for the Licensing Sub-Committee.

It is our policy to ensure that all interested parties consent to their details being disclosed in this manner. **We therefore ask you to complete the enclosed representation form and return it to us by 28 March 2012.** Alternatively, you may contact us by telephone or email to confirm your wishes.

Yours sincerely

Alan Bartlett
Principal Licensing Officer

LICENSING ACT 2003

INTERESTED PARTY REPRESENTATION

Please read the notes at the back of this form prior to completing it

I/We object to the following application:

ANNEX E

Application number: 12/01230/LAPRE	
Applicant's name: Bath Pizza LTD T/A Domino's Pizza	
Premises name and address: Long Acre London Road Walcot Bath BA1 5NL	
Application for a: Variation of Premises Licence	

Objector Details:

Objector's Name: Mrs Zoe Diagne	
Objector's Address: This is essential because a representation can only be considered relevant if you live, or are representing an address, in the vicinity of the premises. Flat 21 Walcot House Snow Hill Bath BA1 6DD	
Organisation name if applicable:	

Objection Details:

My/our representation is relevant to the following licensing objective(s):	

Prevention of public nuisance	

Please detail your objection(s) as fully as possible in the box below. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents/further pages as necessary and number all extra pages.

Try to be as specific as possible and give examples e.g. *On 1 February I could hear loud music from the premises between 10pm and 1 am. I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.*

I am objecting to the Domino's Pizza request for a license change to be able to trade until 5 am. At present they trade until 1.30 and this is ok but I feel that as this is a very residential area with many young families it is a very unsuitable place to be trading until 5 am especially given the recent history of late night problems in the area. The only reason to stay open until 5 am is to appeal to the needs of people leaving clubs and parties, I am very concerned that the customers that a fast food chain will attract at this time of night will not respect the needs of the nearby residents for peace and quiet at that time of the morning and will leave a lot of litter outside our flats, which is a near constant problem. I also would be very concerned that Domino's may be making deliveries at that time, as sound carries very well between the tall blocks of flats and we are able to hear every car door, electronic key fob, and some of the engines are rather too loud. I did not realize I needed to be making notes about times and dates of this - I will be in future. I would just like to add that though I object to a licence until 5am and I am often rather annoyed by the blocking of access to our residents parking by too many delivery vehicles, too much car door slamming and the problem with litter. I am also happy that there is a thriving business at that address,

<p>as it has been such a problem area on the London Road for so long. I just feel that thriving business needs to recognise it operates within a community with many residents who deserve respect for where they live.</p>	
<p>I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.</p>	
<p>Signed</p>	<p>Zoe Diagne</p>
<p>Date 17/03/2012</p>	<p>17/03/2012</p>

<p>Contact telephone number(s) (This is essential as we may need to contact you at short notice)</p>	<p>07813092643</p>
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<p>There will be a hearing to determine this application. We will send you details of the time, date and location at least 10 working days before the hearing.</p> <p>This section of the form must be returned to us a minimum of 5 working days before the hearing. If you wish, you may complete this now. Alternatively, you can keep this page and return it to us once you have received details of the hearing.</p>
<p>There will be a hearing to determine this application. We will send you details of the</p>

Terrill Wolyn

Subject: FW: Objections to Dominoes opening until 5:00am / 12/01230/LAPRE

From: Licensing
Sent: 26 March 2012 13:59
To: Terrill Wolyn
Subject: FW: Objections to Dominoes opening until 5:00am / 12/01230/LAPRE

From:
Sent: 26 March 2012 12:35

To: Licensing

Subject: Objections to Dominos 12/01230/LAPRE

Dear Sir or Madam

I live . I am generally affected by all sort of activities and disturbance coming from the London road. This affects rooms at the front of the house. The back of my property is also facing Snowhill estate and the premises of Dominoes are only a few meters away. I have therefore a direct interest to submit my objections to the variation of the opening hours of Dominoes Pizzas so that the shop is not allowed to open until 5:00am at any day of the week.

I would like these objections to remain anonymous to the applicants.

My main concerns are the following:

- Noisecoming from the London Rd travels easily to the top of Thomas Street as it is amplified and reverberates in Thomas street against the buildings. We are affected by traffic noise and pollution during the day because of the traffic on the London road. At night it is quiet and the traffic is almost none existant. It is also a residential area and the noise at present is kept minimal in the night and we would not expect the Council to encourage this to change. The late opening of the Dominoes shop will automatically generates more traffic and noise from customers whether because of their cars or simply walking along the London Road into the shop, talking among friends or on the phone in the middle of the night. Can anyone also believe, particularly in the hot summer months that customers will wait inside the shop to get their pizzas and food cooked? It is very more likely they will be waiting just outside of the shop chatting amongh friends or on the phone. Unfortunately we will be directly affected by this noise, not once but all night through and all week which is unfair, particularly in an area that is residential.

- Dominoes record on customers' parking their cars is not a good one. Customers cars or delivery trucks have been spotted parked on the pavement, just in front of the shop, on double yellow line, blocking the traffic and the pavement for pedestrians. Trees have been planted just outside Dominoes but it has not solved the problem; it just moved it away from the shopfront to a few meters away just in front of Caroline House where customers or Dominoes HGV are now stopping along the London Road. Please can you picture this happening in the middle of the night for customers to go on buying pizzas, parking their cars on the pavement, doors opening and shutting closed, radio and musics on (windows opened in the summer months!), security locks beeping, switching on/off engines etc. As it is happening already now during the day, it is hard to believe that Dominoes staff will be able to police their customers to reduce further noise polution that will happen from now on in the middle of the night as well as in the day? Will staff be able leave the premises and the shop to "tell off" their customers outside? Do they have any authority to do so anyway?

- My other concern is the affect the late openings will have on the rooms at the back of my house where the children are sleeping. Dominoes shop is a very short distance away from the house. I am particularly concerned because we open the windows in the spring and summer months at night; the pollution from the traffic on the London road is too high to do it during the day. It is also better to do it at night because as hay asthma sufferers, the pollen level is much lower at night. Despite what Dominoes management may have told you already, there is some irritating noise generated at the back of the

ANNEX E

shop, from the delivery cars or mopeds, coming and going (usually in a rush so the noise is not kept to a strict minimum), beeps to open/locking the cars, doors being slammed, switching on/off engines etc. There is also mobiles ringing, the inevitable chats/cigarette break outside at the back that is affecting all local residents. It is also very likely that in the summer months customers will be waiting for their pizzas and food to be prepared, not inside Dominoes shop but standing outside the front door in the alleyway, while having a talk or a chat on the phone. Finally there is the constant humming noise of the kitchen equipments such as fridge, ventilation etc. that we will be hearing from the bedrooms all night while at the moment this noise is sort of covered by the buzz of the city or the high level day traffic noise of the London Road. So how does this noise coming from Dominoes cannot not affect the quality of our life and our sleep? When will the kids be able to have a rest at night while the noise carries days and night?

- The local community has worked very hard to improve the area and fight crime or any nuisance at night. Good things have happened to improve the area but there is still a lot to be accomplished and this positive trend can easily be derailed. Considering the history of the place and of the London Road, giving an opportunity for people to gather in the middle of the night in this particular location would be particularly unwise as well as very inconsiderate to the local community and in my view would be a dangerous thing to do. Should the variation of the opening hours is accepted it is also likely to antagonise the already very fragile relationship that exists between the Council and its local residents. Bearing in mind the general state of the public finances will the local Police have the resources to face with additional troublesome situations or complaints from residents?

- Dominoes attitude is not acceptable. At local meetings, the local community has already expressed dismay at the shop behaviour and the relationship (of absence of it) with the residents and we have already clearly voiced our opposition to late openings. It is a pity that Dominoes is reiterating one more time an application for late opening and that we are forced once more time to express our strong feelings to object it. I hope that the points I made above will be taken into consideration so that Dominoes's application for a variation of their license to be able to open late at night, all day until 5:00am is rejected.

Kind regards

Terrill Wolyn

Subject: FW: Objections to Dominoes opening until 5:00am / 12/01230/LAPRE

From: Licensing

Sent: 26 March 2012 13:58

To: Terrill Wolyn

Subject: FW: Objections to Dominoes opening until 5:00am / 12/01230/LAPRE

From:

Sent: 26 March 2012 13:28

To: Licensing

Subject: FW: Objections to Dominoes opening until 5:00am / 12/01230/LAPRE

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ANNEX E

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