

# Licensing Sub-Committee

## Premise Licence Determination Hearing

24 March 2010

## Report of Head of Urban & Rural Services

### PURPOSE OF REPORT

To provide an outline of an application to for the grant of a Premises Licence in relation to Domino's Pizza, 132 Buckingham Crescent, Bicester and detail the representations received from Responsible authorities and Interested Parties living in the vicinity of the premises that has resulted in the need for a hearing to determine the application.

This report is public

### Recommendations

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There is no recommendation. In considering the representations received and what is appropriate for the promotion of the licensing objectives, the options open to the Sub-Committee are, in broad terms:

- (1) approve the application for the grant of a premises licence as submitted
- (2) reject the application for the grant of premises licence in whole or part
- (3) place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

### Executive Summary

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#### Introduction

- 1.1 On 26 January 2010 the Licensing Authority received an application for the grant of a premises licence to permit Late Night Refreshment in relation to Dominos Pizza, 132 Buckingham Crescent, Bicester.
- 1.2 During the consultation period the Licensing Authority received letters of representation from a number of Interested Parties living in the vicinity of the premises and from Thames Valley Police and the Anti-social behaviour Unit in their role as responsible Authority.

## Proposals

- 1.3 The proposed application is described by the applicant as:

***To provide Late Night Refreshment Mondays to Sundays inclusive from 07:00 – 05:00 (morning after). The provision will take place both indoors and outdoors.***

- 1.4 The proposed application detailed the hours that the premises are open to the public as:

***Mondays to Sundays inclusive from 07:00 – 05:00 (morning after).***

## Background Information

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- 2.1 Late Night Refreshment under the Licensing Act 2003 is the provision, between the hours of 11pm and 5 am, of hot food or hot drink to members of the public on or from any premises whether for consumption on or off the premises.

- 2.2 Dominos Pizza situated at 132 Buckingham Crescent, Bicester currently provide hot food and hot drink outside of hours that require licensing.

- 2.3 The premises is described by the applicant as:

***The Premises comprise as a Domino Home Delivery Store. The vast majority of pizza are home delivered. The rest are collected for consumption off the premises. The store is situated on a Shopping Parade. The layout comprises a kitchen, shop counter. Staffroom and small waiting area for pizza collection by public. Please see plan for further details.***

A copy of the plan referred to is attached as Appendix 1.

- 2.4 To assist a plan showing the premises in relation to Buckingham Crescent is also provided as Appendix 2.

## Key Issues for Consideration/Reasons for Decision and Options

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- 3.1 The Licensing Act 2003 states that all licensing matters must promote the four Licensing Objectives, they are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

- 3.2 Representations received have stated concerns in relation to potential issues in respect of the prevention of public nuisance and prevention of crime and disorder. Paragraph 3.3 details how the applicant intends to promote the four licensing objectives in general. Paragraph 3.4 details how the applicant intends to promote the prevention of crime and disorder objective and

paragraph 3.5 details how the applicant intends to promote the prevention of public nuisance objective.

- 3.3** *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 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 Dominos 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.*
- 3.4** *We will actively cooperate with the local Police to ensure that we are made aware of particular problems that affect the area 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.*
- 3.5** *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 manufacturer's requirements, guidelines 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.*
- 3.6** Thames Valley Police do not object to the grant of a premises licence providing conditions are attached to the licence and the period of licensable

activity is reduced. The response from Thames Valley Police is attached as Appendix 3.

- 3.7 The Anti-social Behaviour Unit object to the grant of a premises licence. The response from Anti-social behaviour is attached as Appendix 4.
- 3.8 An objection was received from Mr & Mrs I Cartwright of 218 Buckingham Crescent, Bicester. A copy of this objection is attached as Appendix 5.
- 3.9 An objection was received from Diana Edwards of 130 Buckingham Crescent, Bicester. A copy of this objection is attached as Appendix 6.
- 3.10 An objection was received from Mr K R Skinner of 220 Buckingham Crescent, Bicester. A copy of this objection is attached as Appendix 7.
- 3.11 An objection was received from Mr A Steele & of 218 Buckingham Crescent, Bicester. A copy of this objection is attached as Appendix 8.
- 3.12 An objection was received from Cynthia and Peter Reynolds of 138 Buckingham Crescent, Bicester. . A copy of this objection is attached as Appendix 9.
- 3.13 An objection was received from Councillor Lawrie Stratford of Bicester East Ward on behalf of local residents that he represents. A copy of this objection is attached as Appendix 10.
- 3.14 The relevant sections of the Guidance and Licensing Authority Policy issued under the Licensing Act 2003, which are applicable to the representations for this case are as follows:

**Guidance:**

Pages 82 – 83	Sections 10.11 – 10.18	Imposed Conditions, Proportionality, Duplication with other statutory provisions
Page 83	Sections 10.19 – 10.21	Hours of Trading
Pages 16 – 19	Sections 2.1 – 2.18	Crime and Disorder
Pages 21 – 23	Sections 2.32 – 2.40	Public Nuisance
Pages 127 – 131	Annex D	Part 1. Conditions relating to the prevention of crime and disorder
Pages 138 – 139	Annex D	Part 4. Conditions relating to the prevention of public nuisance

### **Cherwell District Council Statement of Licensing Policy:**

Pages 15 – 17	Policies LH1 – LH7	Sections 5.1 – 5.6	Licensing Hours
Pages 21 - 22	Policy LA4	Sections 7.3.1 – 7.3.4 & 7.3.6	General Prevention of Public Nuisance
Page 23	Policy LA5	Section 7.3.9	Addressing Local Concerns
Page 23	Policy LA6	Section 7.3.10	Management and Control
Page 28	Policy PP10	Sections 7.5.18 – 7.5.19	Late Night Refreshment

Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them with them to the meeting.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One**                      Approve the application for the grant of a premises licence as submitted
- Option Two**                      Reject the application for the grant of premises licence in whole or part
- Option Three**                      Place conditions on the grant of premises licence and/or require changes to the details of the permissions sought.

### **Consultations**

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Full consultation in accordance with the requirements of the Licensing Act 2003 was carried out for a period of 28 days ending at midnight on 24 February 2010

### **Implications**

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- Financial:**                      There are no financial implications of this report  
Comments checked by Denise Westlake, CSR Service Accountant, 01295 221982
- Legal:**                              The decision must comply with relevant legislation and Council Policy.  
All parties have a right of Appeal to the Magistrates Court against the decision.

Comments checked by Pam Wilkinson, Principal Solicitor,  
01295 221688

**Risk Management:**

There is a risk that if policy and legislation has not been correctly followed, any resulting appeal could be successful.

**Wards Affected**

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Bicester East Ward

**Document Information**

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan of applicant premises
Appendix 2	Location Plan
Appendix 3	The response from Thames Valley Police.
Appendix 4	The response from Anti-social behaviour.
Appendix 5	The response from Mr & Mrs I Cartwright of 218 Buckingham Crescent, Bicester.
Appendix 6	The response from Diana Edwards of 130 Buckingham Crescent, Bicester.
Appendix 7	The response from Mr K R Skinner of 220 Buckingham Crescent, Bicester.
Appendix 8	The response from Mr A Steele & of 218 Buckingham Crescent, Bicester.
Appendix 9	The response from Cynthia and Peter Reynolds of 138 Buckingham Crescent, Bicester.
Appendix 10	The response from Councillor Lawrie Stratford of Bicester East Ward on behalf of local residents that he represents
<b>Background Papers</b>	
Members have been issued with copies of the Guidance, the Statement of Licensing Policy and the Council's pool of conditions and are asked to bring them with them to the meeting.	
<b>Report Author</b>	Natasha Barnes, Licensing & Vehicle Parks Manager
<b>Contact Information</b>	01295 753738 natasha.barnes@Cherwell-dc.gov.uk