

LICENSING SUBCOMMITTEE2 November 2009
10.00am – 2.38am**Present:** Councillors Boyce (Chair), Liddle and Stuart**09/lic/68 Declarations of Interest**

N/A

09/lic/69 Procedure to be Followed

The procedure for hearings of the subcommittee set out on the agenda was noted. It was noted that agenda item 3 had been included in error and

09/lic/70 Application to Vary Premises Licence : Domino's Pizza, 27 Hills Road, Cambridge, CB2 1NW**Present for this application:**

For the Applicant	Responsible Authority	Interested Parties
Lisa Lee (Area Manager – Dominos Pizza)	PC Pete Sinclair	Frank Gawthrop
		Terry Harris

The Hearing: The Assistant Licensing Officer presented her report and outlined the application being made. She stated that the Council, as the licensing authority, had received an application for the variation of a Premises Licence in respect of the premises to be known as Domino's Pizza, 27 Hills Road, Cambridge.

The application was for a variation of premises licence to allow the following:

Sale/supply of light night refreshment

Monday - Sunday 23.00 to 05.00

Hours premises open to the public

Monday to Sunday 07:00 to 05:00

She stated the application was not located in a cumulative impact area and that the application had addressed the licensing objectives within the submission to the authority. The Assistant Licensing Officer outlined the

nature of the application which covered the nature of the store (take away/collection only) and the proposed management arrangements.

One representation was received from the Police, and 49 were received from interested parties. The representations were attached in the report.

Lisa Lee addressed the committee and explained that the store was seeking an extension from 23:00 to 5:00 (Sunday – Thursday) and 01:00 to 05:00 (Friday – Saturday).

The Members of the Sub-Committee asked the applicant's representative the following questions to which the response was as shown below:

1. Are the proposed conditions proposed in section 3.1 of the committee report not already implemented?

The representative of Dominos confirmed that the measures were already operated. It was clarified following a brief discussion that it agreed the proposed conditions in 3.1 would be appended to the licence, although it was noted that Dominos were currently implementing the procedures.

The representative of Dominos explained that several stores in the chain closed for collections at 23:00 or 01:00. The Assistant Licensing Officer confirmed that a licence would still be required for the provision of a take away only service. The representative agreed in principle of the addition of a condition to implement the take away only arrangements.

The Responsible Authority's representations were based on the four licensing objectives. PC Peter Sinclair welcomed the proposed revision to the opening arrangements, however highlighted ongoing problems with anti social behaviour within the area. The Police also summarised their proposed conditions as outlined in section 4 of the report. The applicant agreed with the conditions proposed by the Police.

In response to a question from the Sub-Committee the applicant confirmed that mopeds were not used in any of the franchisee stores, and that they would be happy with a condition prohibiting the use of mopeds as delivery vehicles.

The Chair invited Interested Parties to speak.

Mr Frank Gawthrop introduced himself and stated that he was speaking on behalf of the Glisson Road/Tenison Road Residents Association. The proposed changes to the opening arrangements were welcomed, but a

number of ongoing concerns were raised. A number of recent incidents of anti social behaviour on Lyndwoode Road were drawn to the attention of the committee. The representative also welcomed the proposed prohibition on the use of mopeds. The difficulty of using CCTV to associate problems with a particular outlet was highlighted.

Mr Terry Harris introduced himself. The submission initially focused on the capacity of neighbouring roads specifically in Cambridge Place, and the alleged breaches of traffic regulations. The submission also expressed concern about the volume of noise from vehicle's sound systems and "illegal" parking on restricted areas.

Further concerns in relation to Environmental Health were raised specifically a rat infestation. With the agreement of all parties at the hearing photographs taken on the morning of the meeting were circulated to illustrate the points being made.

The Members of the Sub-Committee asked the applicant's representative the following further questions to which the response was as shown below:

1. How often are the bins emptied?

The applicant confirmed that the bins were emptied daily.

2. What procedures are in place to check the conditions of the bins?

The applicant advised that the bins were checked when the store closes and when it re-opens. The applicant advised that the photos were taken prior to the store opening following the refuse collection.

3. Where do the drivers wait whilst they are waiting for the next delivery?

The applicant advised that the drivers were on a constant turnaround, but that they also had permission to use a neighbouring business's car park. The ongoing use of the car park was questioned by the panel due a submission from the company concerned in the report.

Mr Harris questioned the legality of the siting of the wheelie bin. Following discussion it was noted that it was a matter for the Highways Authority and outside of the jurisdiction of the committee.

The Chair asked the Police representatives to summarize their position.

PC Peter Sinclair sought clarification on the amended licence proposals as amended in the meeting. No further comments were made following the clarification from the applicant.

The Chair asked the interested parties to summarize their position.

Mr Gawthrop expressed concern for potential relocation of the traffic issues to Glisson Road.

Mr Harris expressed concern regarding potential road safety issues as a result of inappropriate driving practices.

The Applicants were asked to summarize their position.

Lisa Lee summarized the purpose of the application and welcomed the proposed revision of the conditions.

Members of the Sub-Committee retired at 10.55am to consider the application and returned at 12.06pm.

The Decision: In reaching the decision on the application, the Sub-Committee considered the material presented at the hearing both orally and in writing and the representations made before and at the hearing, the Council's Statement of Licensing Policy, the legislation and the statutory guidance under the Licensing Act 2003 and the legal advice received during the hearing.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community. The decision was reached on its individual merits, bearing in mind that these premises are in a mixed commercial and residential area.

The Sub Committee approved the variation of the licence to permit the provision of late night refreshment between 23:00 and 05:00 (Monday – Sunday) subject to the following conditions

1. Inclusion of the applicants proposed conditions in relation to public safety as outlined in section 3.1 of the report.
2. Inclusion of the conditions proposed by the Police as outlined in section 4.1 of the report subject to addition of reference to "no music to played in delivery vehicles near to the premises".
3. Mopeds not to be used for deliveries.

The Panel also reminded the applicant of the need to ensure that they had permission from the relevant authorities/companies in relation to car parking and placement of waste bins.

With effect from: 2nd November 2009

The Meeting concluded at 12:10pm

Chair