

MINUTES

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

29 MARCH 2017

Present:

Councillors: Conway
Fantham
P Hearn (Chairman)

Officers: Christopher Gaunt Legal Governance Team Leader
Ross Hill Licensing Team Leader
Trudi Angel Member Support Officer
Rebecca Twidle Member Support Officer

Also in Attendance: Ali Yazdi Applicant and Proprietor of Tops Pizza
Anthony Baptiste Applicant's Representative

The meeting began at 10.00 am

5 MINUTES

The minutes of the meeting held on 1 March 2017 were confirmed by the members present and then signed by the Chairman.

6 APOLOGIES FOR ABSENCE

There were no apologies for absence.

7 DECLARATIONS OF INTEREST

There were no declarations of interests.

8 PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003

APPLICATION FOR GRANT OF A PREMISES LICENCE

The Sub-Committee were required to consider an application for grant of a premises licence for the following premises:

Tops Pizza
85 Waterhouse Street

Hemel Hempstead
Hertfordshire
HP1 1ED

The Chairman introduced herself, the members on the Sub-Committee and the officers present.

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda and advise if they were aware of the premises. Councillors Conway and Fantham confirmed they had read the documents at hand and were aware of the premises.

The Chairman asked R Hill if the legal requirements had been complied with and if he had anything to add to the report.

R Hill confirmed that the application met all legal requirements. He said it was a new application, and that the premises was previously trading as Golden Star Chinese takeaway, which didn't require a licence as it closed before 11pm. Written objections had been submitted from one resident living near the premises, and they had been invited to the meeting but no response was received and no objectors were present.

A letter from Hildigar Cameron, the applicant's original representative, which had been sent to the objector prior to the hearing, offering to amend the application in response to the concerns expressed in the objection, was circulated and read by the committee; there were no questions.

The Chairman asked the applicant and his representative if they wished to add anything to the report.

A Baptiste began by apologising to the Sub-Committee on behalf of Ms Cameron who was absent as she was currently in Europe. A Baptiste said that in light of the concerns expressed within the representations, Mr Yazdi had amended the application. The application to serve food on site after 11pm had been withdrawn, and instead changed to delivery between 11pm – 1am. He said that Mr Yazdi accepted that Sunday was a sensitive day, and suggested the possibility of delivery only until Midnight on that day. A Baptiste referred to the written clarification of points; he highlighted that customers would not be on the premises after 11pm, and that after that time, opaque blinds would be drawn. A Baptiste accepted that this was a new application, but noted that no representations had been submitted by either the Police or Environmental Health Department. A Baptiste submitted that under these new conditions, Mr Yazdi would be able to manage his staff to ensure noise was kept to a minimum. A Baptiste said that the premises will have a comprehensive CCTV system, as per requirements of the Police. A Baptist said that measured against Dacorum's policy, the application met the requirements in respect of safety and light and noise pollution. He said that it was a new, bright shop, which would contribute to Dacorum's trading community. A Baptiste re-iterated that customers would be unable to enter the site after 11pm. A Baptiste concluded by saying that he had explained the review process to Mr Yazdi, and that the conditions of the licence were binding.

The Chairman thanked the applicants for providing a well prepared presentation and asked the members of the Sub-Committee if they had any questions for the applicant.

Councillor Fantham asked if any research had been conducted as to the impact on extra car journeys. A Baptiste said that no research had currently been undertaken; however this could be reviewed over the next three months. Mr Yazdi asked if he could provide some additional information; he said that he had 4 stores in the South East, and his experience, footfall tended to reduce after 11pm. He said that the shop would have two cars that would deliver the takeaways, and because customers would not be able to pick up from the shop after 11pm, there would be no noise or traffic after this time. He said that there was no need for scooters to navigate congestion, which were necessary in London.

Councillor Conway clarified if the shop would be open for deliveries 11pm – 1am every night – A Baptiste confirmed this.

R Hill noted that the local police force was actually Hertfordshire Constabulary and not the Metropolitan Police Service, as stated in the amending letter; therefore if the amendment was accepted it should reflect this. R Hill also said that there was no need for a Designated Premises Supervisor as alcohol was not being sold at the premises. A Baptiste thanked R Hill for highlighting these points. He also suggested that a condition could be added to the licence stating that drivers should not remain outside the premises past 11pm, talking or socialising.

The meeting was adjourned at 10:16 AM

The meeting reconvened at 10:20 AM.

Resolved:

The Sub-Committee carefully considered the application, the written representation, and verbal submissions made at the meeting, as well as the further written submission made by the applicant's agent containing additional proposals and control measures intended to mitigate against detrimental effects to the licensing objectives. These included a commitment that customers would only be able to collect food from the premises until 23.00 hours daily, from which time all sales of late night refreshment would be made by way of delivery to a bona fide address.

The Sub-Committee considered that these measures should be sufficient to prevent public nuisance of types described in the representation, and that it would therefore be appropriate to **grant** the application for the premises licence, subject to conditions consistent with measures set out in the application's operating schedule, and additional conditions consistent with the measures set out in the letter submitted by Hildigar Cameron of LQAA Ltd on the applicant's behalf, dated 21/03/2017, as follows:

- No customers shall be permitted to access nor remain on the licensed premises after 23.00 hours. All sales after that time shall be made by way of delivery to a bona fide address only.

- Vehicles used for delivery must switch off their engines when waiting outside of the licensed premises for the collection of food for delivery.
- A notice shall be displayed at the front of premises so as to be visible from outside stating the hours that the premises are open and accessible to the public, and that all orders after 23:00 must be phoned through and for delivery only.
- Home deliveries shall only be carried out by employees of the licence-holder.
- From 23.00 hours until close, an opaque blind (or similar covering) covering the length and width of both shop windows and door shall be drawn and kept closed.
- The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Hertfordshire Constabulary Crime Prevention Officer. The CCTV system shall continually record whilst the premises is open for licensable activities and recordings shall be stored for a minimum period of 31 days and shall be made available immediately upon the request of Police or authorised officer.
- Appropriate staff training shall be completed, and training records shall be made available for inspection upon request by a relevant officer of a responsible authority.

The Meeting ended at 10.22 am