

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

THURSDAY, 25TH MARCH 2010 AT 10.00 A.M.

PRESENT: Councillors Mrs. R. L. Dent (Chairman), Ms. J. A. Marshall and
S. P. Shannon

Officers: Mrs. V. Brown, , Ms. S. Hawson, Mr. J. Davies and Ms. P. Ross

Observers: Ms. S. Garratt, Licensing Manager

Also in attendance: Mr. E. Kara (Applicant), Mr. J. Semaan, Area
Manager, Dominos Pizza, Birmingham

47/09 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

RESOLVED that Councillor Mrs. R. Dent be appointed Chairman of the Sub-Committee for the meeting.

48/09 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

49/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

50/09 **PROCEDURE**

The Chairman opened the Hearing and introduced the Members of the Sub-Committee and officers present to the Applicant.

The Chairman invited the other parties present to identify themselves, so that the applicant was able to satisfy himself that no person who may be in a position to influence the Sub-Committee remained in the room when the Sub-Committee considered its decision at the conclusion of the Hearing.

The Chairman reminded all parties of the procedure to be followed during the Hearing and that those parties present could be represented by a legal representative at their own expense, or by a Ward Councillor.

51/09 **APPLICATION FOR A PREMISES LICENCE - DOMINOS PIZZA, NEW ROAD, RUBERY**

The Sub-Committee was asked to consider an application for a premises licence in respect of Dominos Pizza, 200 New Road, Rubery. The application was subject to a Hearing in the light of representations which had been made by 6 residents living near to the premises. The basis of their representations related to an increase in anti social behaviour and noise nuisance in a residential area. Representation had also been received from the Council's Environmental Health Section on the grounds of public nuisance. The Council's Environmental Health Officer had recommended a notice be placed on exits within the premises requesting that when patrons/customers leave the premises late at night they be requested to respect local residents by ensuring noise levels were kept to a minimum.

The Licensing Assistant introduced the report, following which representations were made by Ms. S. Hawson, the Council's Environmental Health Officer.

The case for Dominos Pizza was then put forward by Mr. E. Kara, Franchise Owner. He explained that residents had not made him aware of any of the concerns raised in the representations received by the Council's Licensing Section and having been made aware he had taken steps to address the residents concerns regarding litter and noise created by staff and customers.

Having had regard to:

- The licensing objectives set out in the Licensing Act 2003
- The Council's Statement of Licensing Policy
- The guidance issued under section 182 of the Act
- The application and representations made by the Applicant
- The relevant written representations made by the Interested Parties
- The relevant representations made by the Environmental Health Officer both in writing and at the hearing.

RESOLVED:

that the application for a premises licence for the provision of Late Night Refreshment be granted as follows:

- 11:00 pm - 12 midnight Friday and Saturday

The Sub Committee imposed the following condition:

That signs be placed prominently at all of the exits at the premises seeking the co-operation of customers to leave in a quiet, orderly, and respectful manner.

The reasons for the Sub-Committee's decision were as follows:

- The Sub- Committee had considered the written representations and oral representation made by and on behalf of the applicant.

- The Sub Committee had considered the written representations made by the Interested Parties of the ongoing problems with noise and litter created by customers and staff leaving the premises.
- The Sub Committee wished to ensure that nearby residents were not disturbed by unreasonable levels of noise.
- The Sub Committee had regard to the close proximity of the residents and took into account that a number of Interested Parties were identified as living above the premises.
- The Sub Committee was re-assured by the evidence of the applicant that he had taken steps to address the concerns raised by the Interested Parties relating to the noise created by staff at the premises. Likewise the Sub Committee was re-assured by the steps the applicant proposed to take to ensure customers were aware that the premises was in a residential area including the erection of signs and modifications to the metal shutter at the front of the shop.
- The Sub Committee acknowledged the additional refuse collections arranged by the applicant to address the concerns relating to litter.
- Consideration had been given to the comments made by the Environmental Health Officer and the suggestions made to reduce the level of noise.
- The Sub-Committee noted that no representations were made by any of the other Responsible Authorities.

The following legal advice was given:

- The Licensing Objectives must be the paramount consideration.
- Conditions must be necessary for the promotion of one or more of the licensing objectives; conditions may not be imposed for any other reason.
- The licensing authority may not impose conditions if its discretion had not been engaged following the making of a relevant representation and it had been satisfied at a hearing of the necessity to impose conditions due to the representations raised.
- Conditions must be proportionate.
- The Sub Committee shall disregard any planning conditions or planning issues relating to the property in that they do not form part of the licensing objectives

For the avoidance of doubt the opening hours are as follows:

Actual opening hours of the premises

- 11:00 am – 11:00 pm every Sunday through to Thursday
- 11:00 am - 12 midnight Friday and Saturday

The Chairman reported that the Applicant and Interested Parties would be notified of the decision in writing within 5 working days, and that an appeal against the decision could be made to the Magistrates' Court within 21 days.

The meeting closed at 12.25 p.m.

Chairman