

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

THURSDAY, 2ND AUGUST, 2018

A MEETING of the LICENSING SUB-COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 2ND AUGUST, 2018, at 9.30 am.

PRESENT:

Chair - Councillor Linda Curran

Councillors Steve Cox, Nikki McDonald and Sue McGuinness.

4 DECLARATIONS OF INTEREST, IF ANY.

There were no declarations made at the meeting.

5 APPLICATION FOR A VARIATION TO AN EXISTING PREMISES LICENCE - PIZZA RANGE, 138 WARMSWORTH ROAD, BALBY, DONCASTER, DN4 0RS.

The Sub-Committee considered a variation to an existing Premises Licence in respect of Pizza Range, 138 Warmsworth Road, Balby, Doncaster, DN4 0RS. The procedure for considering the application was set out in Appendix A.

The Sub-Committee Members, the Applicant, the Applicant's representative, and Responsible Authorities had received the agenda prior to the meeting.

At the commencement of the hearing, the Chair made introductions and outlined the procedure to be followed.

On behalf of the Licensing Department, Helen Wilson, Senior Legal Officer, introduced the report and outlined the salient points.

The Applicant, Mr Boran and a representative acting on behalf of the Applicant, Mr Steve Butler, were in attendance at the meeting, made representations and answered questions.

Representatives from the Planning and Environmental Health Responsible Authorities, who had made written representations, made representations in respect of their objection to the application and answered questions.

During the course of the meeting, the Agent acting on behalf of the Applicant proposed additional conditions to further support the Licensing objectives which were included within the final decision.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the application in private and reached a decision.

RESOLVED that the Licensing Sub Committee considered the application for a Premises Licence for Pizza Range, 138 Warmsworth, Road, Doncaster DN4 0RS and have taken into account the written representations made and the evidence presented today, the steps that are appropriate to promote the Licensing Objectives, the Home Office Guidance and our Statement of Licensing Policy and have decided to Grant the licence in the terms set out in Appendix B subject to change in the opening hours to midnight and subject to the following conditions:-

- i. CCTV system will be in place and maintained images will be retained for 30 days, a staff member will be trained to recover incidents which will be provided to the police and local authority on demand;
- ii. Electrical certificates will be maintained for all equipment within the establishment;
- iii. Firefighting equipment will be maintained;
- iv. Customers will not be permitted into the staff area which is clearly defined;
- v. First aid equipment will be maintained and available;
- vi. Customers will be reminded to leave quietly by the use of appropriate signage;
- vii. Deliveries of stock will be made between the hours of 0900 and 2000 hours;
- viii. The extraction system will be maintained and serviced;
- ix. Unaccompanied children under the age of 16 will not be permitted access after 9pm daily;
- x. To provide a litter bin for customers for use in the premises; and
- xi. To undertake regular litter picks during the premises opening hours and to ensure the area immediately outside the premises remains clear of litter.

The Committee have made their decision for the following reasons:-

The Applicant states his business is relatively new and is currently operating up until 11pm. The increase in hours is due to the increased demand but now confirms he wishes to amend the hours to midnight to align with the new planning permission application which has been submitted. The Applicant submits that his immediate residential Neighbours support the opening hours and reiterates that no residents have made a representation. The Applicant states he checks the area for litter and picks it up on a regular basis. The applicant says he has not had any complains made to him about noise.

The Planning Authority say there is currently a condition on the premises that states the opening hours of the premises shall be 8am to 11pm 7 days a week.

Planning state that opening to 1am potentially creates a public nuisance. Planning confirmed they have received an application asking for the hours to be extended to midnight only.

Environmental Health department objected as after 11pm it is widely regarded that this is a time after which the noise created from premises are more likely to cause issue. The Committee notes that generally 5 decibels over background noise would be likely to result in noise complaints. Environmental Health are aware that the premises is near a road which is noise sensitive but into the evening the noise from the road reduces meaning the extraction system and noise from the food production becomes more of an issue. The Applicant says he has the consent of neighbours but these are rented properties and the residents are likely to change. The committee accepts that the premises could be the source of nuisance but that these issues are mitigated by the imposing of the above conditions.

The Committee were concerned that the Applicant whilst was able to recite the licensing objectives his understanding of their operation was limited however the Committee believes that the Application together with the conditions we have imposed ensures the licensing objectives are promoted.

CHAIR: \_\_\_\_\_

DATE: \_\_\_\_\_