

## **Item 6            Application for Variation of a Premises Licence – Dominos Pizza, Bridge Street, Andover SP10 1BE**

### **1        The application**

- 1.1    The application is by MSG Sandhurst Limited for the premises known as Dominos Pizza, Bridge Street, Andover SP10 1BE. The premises currently hold a Premises Licence which under the terms of the Licensing Act 2003 permits the licensable activity of provision of late night refreshment. A copy of the existing licence is attached as Annex 1 to this report.
- 1.2    The applicant wishes to apply to extend the hours for provision of late night refreshment until 0500 hours, seven days a week. This application has attracted representations necessitating the application to be determined at a hearing. A copy of the application is attached as Annex 2 to this report.

### **2        Background**

- 2.1    The premises are an established take away pizza store located in Bridge Street in Andover town centre. It has held a Premises Licence since introduction of the Licensing Act 2003 in November 2005.

### **3        Promotion of the Licensing Objectives**

- 3.1    The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:
  - a)    General – 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 service. 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 the 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 Domino's 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.

- b) The prevention of crime and disorder – We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and 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.
- c) Public safety – The premises comply with all requisite health and safety legislation. We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement. In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our home delivery service, which is the primary way in which we serve our customers.
- d) The prevention of public nuisance – 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 manufacturers' 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 properties. We neither use nor supply glassware.
- e) The protection of children from harm – Our store is not licensed for the sale of alcohol. Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are licensed.

The measures to promote the licensing objectives are of relevance when considering the representations received.

#### **4 Relevant Representations – Responsible Authorities**

- 4.1 **Housing, Health and Communities Service** – The Environmental Protection Team raises an outright objection to the application with regard to the licensing objective of prevention of public nuisance. Their objection is detailed in Annex 3 to this report.
- 4.2 **Hampshire County Council Trading Standards Service** – No representation to make.
- 4.3 **Hampshire County Council Children’s Services** – No representation to make.
- 4.4 **Hampshire Fire and Rescue Service** – Does not wish to make a representation.
- 4.5 **Hampshire Constabulary** – the Police have lodged an objection to the application with regard to the licensing objective of the prevention of crime and disorder. Their objection is attached as Annex 4 to this report.

#### **5 Relevant Representations – Interested Parties**

- 5.1 There are no representations from interested parties.

#### **6 Policy Considerations**

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

- 2.1-2.18 – Crime and disorder
- 2.32-2.40 – Public nuisance
- 3.32-3.39 – Late night refreshment
- 8.28-8.32 – Steps to promote the licensing objectives
- 8.33-8.38 – Variations
- 9.3-9.7 – Where representations are made
- 9.8-9.12 – Relevant, etc. representations
- 9.19-9.28 – Hearings

- 6.2 It is considered that the following extracts from the Licensing Authority’s own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic Service or downloaded from the Council’s website.

## **7 Observations**

7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned).
- c) Reject the whole or part of the application (in the case of the latter for example by only allowing the licensable activities to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the four licensing objectives:-

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence application for Dominos Pizza, Bridge Street, Andover and all associated paperwork

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	4		
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