

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Council Chamber, Guildhall, Andover
on Wednesday 19 May 2010 at 9.30 am

Attendance:

Councillor Mrs A F Dyde (P) Councillor A Hope (P)
Councillor Mrs J Whiteley (P)

1 **Appointment of Chairman**

Resolved:

That Councillor Hope be appointed Chairman for the duration of the meeting.

2 **Minutes**

Resolved:

That the minutes of the meeting held on 4th February 2010 be confirmed and signed as a correct record.

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

The Sub-Committee considered an application for a variation of a premises licence by MSG Sandhurst Limited for the premises known as Dominos Pizza, Bridge Street, Andover. The premises currently held a Premises Licence which under the terms of the Licensing Act 2003 permits the licensable activity of provision of late night refreshment until midnight on Friday and Saturday. The application wished to apply to extend the hours for provision of late night refreshment until 01:30 for counter service and 0500 hours for delivery only, seven days a week.

The Licensing Manager explained that this application had attracted representation from Hampshire Constabulary and Test Valley Borough Council's Environmental Protection Team, thus requiring the matter to be determined by a hearing. The Sub-Committee were also informed that Mr J Smith from Poppleton Allen Solicitors (representing the Applicant) had submitted further documentation regarding the application which set out further proposals and conditions for consideration.

The Chairman invited Mr J Smith from Poppleton Allen Solicitors to address the Sub-Committee. He outlined the proposals and informed the Sub-Committee that following discussions with the resident from the flat above the shop, he proposed to amend the Operational Plan (Appendix 1) presented to the Sub-Committee as follows:

3. Delivery vehicles

After 23:00 Sunday to Thursday and midnight on Friday and Saturdays all deliveries are taken out of the front of the premises.

After 23:00 Sunday to Thursday and midnight on Friday and Saturdays all delivery cars are parked in the South Street Car Park.

Mr Smith also explained that work had been undertaken to the kitchen extraction system in the last 3/4 months which would address the issue of disturbance raised by the Environmental Health Team. Any further noise problems from the kitchen extractor would be addressed.

Sergeant Tim Adams was then invited to present the case for Hampshire Constabulary. He explained that although the Police did not have an outright objection to the application they had concerns over the proposed extension of opening hours until 01:30. The Police were also concerned about the prevention of crime and disorder and the protection of customers and staff. Sergeant Dave Wright, (Sergeant for Andover Safer Neighbourhoods) raised concern over the dispersal of revellers once other facilities were closed.

The Environmental Health Protection Team, Sonya Enright and Dean Bennett outlined their objections to the application. The main objections were concerning delivery vehicles, point of congregation for people to the frontage immediately outside the shop and disturbance from the normal operation of the business most notably use of the kitchen extraction system.

The Sub-Committee was given the opportunity to ask questions of all the parties and then the Applicant, Hampshire Constabulary and the Environmental Health Protection Team were asked to sum up. The Sub-Committee then adjourned to consider the matter.

Upon return, the Chairman informed the meeting that the Sub-Committee, in reaching its determination upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

Resolved:

DECISION

That the variation to the Premises Licence be GRANTED subject to the following conditions:

- 1. The Premises Licence Holder will adhere to the attached Operational Plan (Appendix 1).**

- 2. The counter service open to the general public shall only be available until 01:30 Monday to Sundays. Thereafter no public access shall be permitted to the premises and the premises shall only be used for the provision of late night refreshment via the delivery service.**
- 3. Any deliveries from the premises shall only be made to the customer's place of residence or place of business.**
- 4. The Premises Licence Holder shall ensure that any noise coming from the kitchen extractor fan does not cause any noise nuisance to the occupants of any residential premises during the additional hours.**
- 5. Deliveries to the store and rubbish collections from the store shall not take place prior to 07:00.**
- 6. CCTV shall be installed and maintained at the premises to the satisfaction of the Licensing Authority and Police. As a minimum it shall enable surveillance of both internal and external areas of the premises including all entrances and exits. Recordings from the system shall be to a standard acceptable as evidence in a Court of law and shall be securely retained for a minimum of 30 days.**
- 7. The CCTV system shall be capable of producing immediate copies of recordings on site and shall be surrendered in a playable format to Hampshire Constabulary immediately upon request. The system shall be maintained and fully operational, as a minimum throughout the hours that the premises are operating.**
- 8. The upgraded CCTV system shall be installed before the additional hours are operational.**
- 9. An SIA registered door supervisor shall be present at the premises from midnight until 02.00 Thursday to Sunday.**

(Meeting terminated at 1.10 pm)

Domino's Pizza, 23-25 Bridge Street, Andover
Operational Plan

Introduction

It is acknowledged that there may be conflict between the legitimate right of Domino's to provide hot food and drink beyond 23:00 and the equally legitimate right of neighbours to enjoy their homes and businesses without disturbance.

It is also acknowledged that takeaways are potential sources of nuisance, antisocial behaviour and crime which may create concern for the immediate neighbourhood, its residents and authorities.

Definition

This Plan is designed to make the maximum contribution (by using pro-active measures) to reduce disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.

This Plan is specific to Domino's Pizza, 23-25 Bridge Street, Andover and its locality, but it includes a number of measures which are common to other Domino's.

This Plan has been formulated by Domino's in conjunction with senior representatives of the unit. It will be discussed with the Licensing Officers of the local council and police where necessary.

This Plan is subject to review and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination of nuisance, antisocial behaviour and crime.

Measures

1 **Relevance of Licensing Conditions:**

The store will ensure that the conditions of the Premises Licenses are strictly adhered to. The store will be operated to encourage customers to leave as quietly as possible and deliveries to be made as quietly as possible.

2 **Notices at Exit:**

Highly visible notices are placed at the entrance asking customers to leave quietly and to respect neighbours and their property.

3 Delivery Vehicles:

- After 23:00 *Sunday to Thursday and midnight on Friday and Saturdays* all deliveries are taken out of the *front* of the premises.
- After 23:00 *Sunday to Thursday and midnight on Friday and Saturdays* all delivery cars are parked *in the South Street Car Park*.
- All drivers have a label in their car stating “Do not slam car doors, rev engines or play loud music;
- Any member of staff found to be contravening any of the above policies or otherwise creating a nuisance will be subject to the Company’s disciplinary procedures.

4 Internal Noise:

- No music is played in the store.
- All doors and windows are kept shut except for access and egress.

5 The name and contact number of the Store Manager is displayed in a position where it can be seen by the public without having to enter the store.

6 Rubbish:

The store sends out a ‘Rubbish Patrol’ during trading and following closure. They pick up bottles and food wrappings in a designated area (these are very likely to be from sources other than the store – but they will be collected and disposed of).

On rare occasions this patrol may be faced with the result of antisocial behaviour, such as vomiting and urination. This will be cleared by use with a mop and bucket containing a disinfectant solution.

7 Staff:

Consideration will be given to procedures for staff departures at the end of the evening.

8 Training:

Training at all levels will be conducted to ensure understanding and implementation of this plan. A signed record will be kept at the store confirming that staff have received such training.