

Licensing Sub-Committee report



25 March 2021

Report of: James Sloan (Licensing Officer)
 Application: New Premises Licence
 Premises: Fat Pizza
 Applicant: Mr Kanawar Vinay Vinod
 Date of Application: 6 February 2021
 Application Ref: 157790

Exempt / confidential / not
for publication

No

1. Application

- 1.1 This is an application for a New Premises Licence. The application is attached at **Annex A** to the report. In summary, the premises is a takeaway and food delivery business. If granted, this application would permit the supply of Late-Night Refreshment (LNR (hot food and hot drink after 11pm)). LNR would be limited to delivery only i.e. there would be no collection from the premises after 11pm.

Late Night Refreshment

Monday to Sunday, 2300 to 0500 by delivery only

- 1.2 The application contains an operating schedule detailing steps covering staff training and CCTV provisions. These will be included on the licence, if granted, as conditions.
- 1.3 A plan of the locality is included at **Annex B** to the report.
- 1.4 The application was advertised correctly both in the newspaper and via the blue notice erected at the site. The public consultation letter was issued to residents in the surrounding area.

2. Responsible Authorities

- 2.1 The Licensing Authority as a responsible authority made a representation which was subsequently withdrawn as the applicant agreed to amend their operating schedule to include the condition, attached at **Annex C** to the report:

The licence holder will ensure that the area immediately outside of his premises (to the road) is kept clear of litter arising from his customers

- 2.2 The Licensing Authority received a representation from Environmental Health, attached at **Annex D** to the report. The Officer has suggested a reduction of opening times to reduce potential for disturbance to local residents.

3. Other Persons

- 3.1 The Licensing Authority has received representations from 10 local residents, the Parish Council and Ward Member, Councillor Ferrans. These are included at **Annex E** to the report. The representations have been forwarded to the applicant for a response. Though the matters have been discussed with the Licensing Officer, no changes have been made to the application. This, however, is not due to an inflexible stance from the applicant. At the time of writing the Licensing Officer understands the applicant would be willing to consider reduced hours. The concerns raised include the lateness of hours applied for, potential for noise from deliveries and general operation and litter.

4. Officer Observations

- 4.1 The premises is located close to residential premises and is part of a mixed use local centre with shops and other take away venues in the immediate vicinity. The locality can be particularly busy as described in a number of the representations.
- 4.2 Some of the representations do reference concerns with customers attending the premises throughout the night. If granted, this would not be permissible due to the restrictions offered within the application. All sales of LNR could only be made via delivery.
- 4.3 Despite customers not being present after 11pm, there will still be associated noise from both the general operation of the premises and the use of delivery drivers. If the drivers are directly employed by the business, then it will be easier for the applicant to impose controls on them and their behaviour.
- 4.4 Other departments in the Council have looked at the littering issues in the locality. The current litter bin provision does not get emptied on a regular basis. Whilst it may be difficult to require the applicant to provide a bin outside the premises outside its licensed hours, the applicant may wish to offer this as a gesture of goodwill to help relieve problems in the area.
- 4.5 It is not typical to receive so many representations against a particular application. The applicant has advised they are willing to make amendments to the application to promote the objectives and make it acceptable to local residents. At the time of writing a proposal has not been put to any local residents, though any updates will be provided at the hearing as required. If the applicant can resolve these concerns, a hearing may not be required.

5. Determination of the Application by the Sub-Committee
- 5.1 The Sub-Committee is required to determine the application in accordance with the Act and must, having regard to the representations, take such steps that it considers appropriate for the promotion of the Licensing Objectives.
- 5.2 The steps that the Sub-Committee can take are:
- (a) modify the terms of the application in granting a licence;
 - (b) rejecting the application or part of the application; or
 - (c) grant the Licence as applied.
- 5.3 The four Licensing Objectives are:
- (a) The Prevention of Crime and Disorder.
 - (b) Public Safety.
 - (c) The prevention of Public Nuisance.
 - (d) The Protection of Children from Harm.
- 5.4 When carrying out its functions under the Act, and determining an application, the Licensing Authority must have regard to the Guidance issued by the Home Secretary under section 182 of the Act and its own Statement of Licensing Policy.
- 5.5 Extracts from the Guidance appropriate to this application are attached at **Annex F** to the report. A full copy is available online or from the Licensing Team.
- 5.6 Extracts from the Council's Statement of Licensing Policy relevant to this application are attached at **Annex G** to the report. A full copy is available online or from the Licensing Team.

Contact Officer

For further information on this application please contact James Sloan on telephone 07557 607 929 or e-mail: james.sloan@milton-keynes.gov.uk

List of Background Papers

Milton Keynes Council Statement of Licensing Policy 2018-2023.

<https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/alcohol-and-entertainment/milton-keynes-council-licensing-policy>

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 - April 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf