



**LICENSING SUB-COMMITTEE HEARING
MEMBERS' RECORD OF DETERMINATION**

**THE FAT PIZZA, MONKSTON PARK, MILTON KEYNES
NEW PREMISES LICENCE
25 MARCH 2021**

Constitution of the Sub-Committee: Councillors Brackenbury and Marlow
Chair Councillor Legg

Legal Advisor: Meurig Tiley
Committee Manager: Jane Crighton

Licensing Officers: James Sloan Senior Licensing Officer

Applicants/Licence Holders Vinay Kanwar The Fat Pizza

Applicants/Licence Holders Representative Fezal Yurdakul

Also Present: M Gilbert (Senior Enforcement Officer) and Councillor Ferrans, Parish Councillor Grindley, Mr Bourke, Mr Day, Mr Harvey and Mr Young (Interested Parties)

Documentation: Report of the Licensing Officer and documentation.

Apologies: None

Disclosures of interest: None

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1. Reason for Hearing

The Senior Licensing Officer advised the Sub-Committee that a hearing was necessary to determine an application for a new Premises Licence in respect of The Fat Pizza, Monkston Park, for the following licensable activity:

Late Night Refreshment

11.00 pm to 05.00, Monday to Sunday

The Licensing Officer informed the Sub-Committee that the premises was a takeaway and food delivery business and, if the application be granted, there would be no collection from the premises after 11.00 pm.

2. Considerations

During the consultation process, objections had been received from the Licensing Authority (Responsible Authority), Environmental Health, Councillor Ferrans, a Ward Councillor for Monkston, Kents Hill and Monkston Parish Council and ten interested parties.

The Senior Licensing Officer informed the Sub-Committee that the applicant had agreed to the proposed condition from the Licensing Authority, therefore, the representation had been withdrawn.

Councillor Ferrans, Ward Councillor for Monkston, informed the Sub-Committee that, whilst she supported the business during daytime and evening hours, the hours applied for would undermine the Licensing Objectives 'The Prevention of Public Nuisance' and 'The Protection of Children from Harm'; the premises was situated within a residential area; noise disturbance from delivery staff and related vehicles; and the locality of the application was not suitable.

M Gilbert, Senior Enforcement Officer, informed the Sub-Committee that other premises closed at 11.00 pm; delivery drivers arriving and leaving the premises after 11.00 pm would introduce a new noise source and likely to cause a disturbance to residents; and proposed that the hours applied for be reduced to midnight, Monday to Thursday; and 1.00 am, Friday and Saturday.

The applicant informed the Sub-Committee that collections would not be available to customers after 11.00 pm; he had taken into account the representation from Environmental Health and had agreed to the proposed reduction in operating hours; two bins would be provided at the premises

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which would be emptied twice a week; a closed mechanism would be fitted on the door to the premises to prevent noise disturbance; new fans had been installed and would be serviced every six months; he anticipated three to four deliveries per hour during the week and seven per hour at the weekend; there would be no impact to traffic; and deliveries would only be made by motor vehicles.

3. Decision

The Sub-Committee carefully considered all the evidence before it, including the applicant's comments and the representations, and resolved:

That the application for a new Premises Licence be refused.

4. Reasons

The Sub-Committee heard from the applicant and carefully considered the submissions from the interested parties on this matter.

It noted that the premises was located in a residential area and was part of a mixed-use local centre with shops and other takeaway premises in the immediate vicinity.

The Sub-Committee noted the concerns of the interested parties which included associated noise from both the general operation of the premises; the use of delivery vehicles and issues surrounding litter nuisance.

It noted that the application undermined the Licensing Objective 'The Prevention of Public Nuisance' as the premises was located predominately within a residential area.

5. Appeal

An appeal must be commenced by notice of appeal given by the applicants to the designated officer for the Magistrates' Court within the period of 21 days beginning with the day on which the applicant was notified by the Sub-Committee of the decision appealed against.

Should they choose to appeal this decision, they are advised to seek independent legal advice prior to doing so.

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