

LICENSING SUB COMMITTEE

30 October 2017

Present: Councillor J Fahmy (Chair)
Councillors J Connal and P Jeffree

Also present: Mr Hamzah Chaudry, Applicant, Pizza Planet
Ms Catherine Trollope, Responsible Authority, Environmental Health
Councillor Maggie Parker, Ward Councillor
Ms Suzanne Praties, Interested Party
Mr John Praties, Interested Party
Mr Quintin Butcher, Interested Party
Ms Marianne Chambers, Interested Party
Ms Silvine Templeton, Interested Party
Ms L. Morrison, Resident

Officers: Committee and Scrutiny Support Officer (JK)
Licensing Officer (PS)
Senior Solicitor (CN)
Environmental Health Manager (Business)
Environmental Health Officer (MM)

10 **Committee membership/ election of a Chair**

The Committee and Scrutiny Support Officer confirmed that the Sub-Committee would comprise Councillors Connal, Fahmy and Jeffree.

The Sub-Committee was asked to elect a Chair for the hearing.

RESOLVED –

that Councillor Fahmy be elected Chair for this hearing

11 **Disclosure of interests (if any)**

There were no disclosures of interest.

Application for premises licence: Pizza Planet, Unit 15, Riverside Road, Watford**Introduction to the application**

The Sub-Committee received a report of the Head of Community and Customer Services outlining the application.

The Licensing Officer introduced the report. This was an application for a new premises license to serve late night refreshment. The original terminal hour sought was 0400, but following discussions with the police this had been amended to 0200. The premises would only offer a delivery service; there would be no sit-in or collection facilities nor would alcohol be served. The Licensing Authority had written to the nearest 15 residents to the premises in accordance with the council's policy.

The Licensing Authority had proposed three conditions which had been agreed by the applicant and no representation had therefore been submitted. It was noted that the first sentence on page 7 of the agenda "the premises licence holder shall ensure..." should be numbered as the first of the three conditions.

A representation had been received from Environmental Health as a responsible authority. There had also been 22 objections from residents and two from councillors. The representations related to public nuisance.

The Licensing Officer underlined that certain matters were not considerations for the Sub-Committee:

- Pre-existing issues as these were not relevant to the grant of a new licence.
- Parking problems; as these were governed by other regimes.
- The need for the premises; as this was specifically excluded as a matter to determine in the legislation.

Some representations referred to antisocial behaviour, it was noted that the police had not objected. Members were asked to decide how much weight to give to the assertion that nuisance would increase following the grant of the licence.

Following a question from the Senior Solicitor, the Licensing Officer confirmed that the Council had complied with the publicity requirements.

There were no further questions for the Licensing Officer.

Representations

Responsible Authority

Ms Catherine Trollope introduced the representation on behalf of Environmental Health. The representation related to the prevention of public nuisance and specifically noise and light. The premises was located in a small industrial estate within a quiet residential location. The estate had metal gates which were locked when the last unit closed. The other units in the estate closed by 18.00 and traffic would therefore stop by this time. Riverside Road was not a main road and there were no buses in the evenings. Traffic monitoring had been undertaken and it was observed to be a very quiet environment later in the evening with few lights on.

There was no extraction unit at the premises and there were two windows which would be used for ventilation. There was a metal shutter with a door within it for access. There was a potential for noise and light breakout from these windows and doors.

There was a concern about the disruption of delivery drivers accessing and leaving the premises. The associated noise and light, including vehicle headlights, could have an impact on residents. The metal gates to the estate would also create a disturbance as they were opened and closed. Following the close of business, there would also be noise associated with clearing up and the staff leaving the premises.

The applicant had made some suggestions about mitigation measures that could be put in place, such as limiting the number of vehicles, but it was not clear whether this would be enforceable and how the right levels would be determined. Consideration had been given to conditioning the use of hybrid vehicles but it was not easy to ensure they would always be operating in the electric mode. If only electric vehicles were used, this would address the noise issue but vehicle lights were difficult to address.

In conclusion, the nature of the application was not consistent with the quiet, residential locality and was therefore likely to cause a nuisance. Environmental Health were asking that the application be refused, but if it were granted, a number of conditions to mitigate the impact were recommended. It was emphasised that although the conditions would mitigate the impact of the application, they would not be able to address all the concerns.

In response to questions from councillors and interested parties, Ms Trollope confirmed that:

- It would be difficult to ask the applicant to change the doors to the premises as he was the leaseholder.
- Although the two windows used for ventilation were unlikely to cause much light disturbance to residents, there would be other light issues from the vehicles.
- She remained concerned about the noise caused by the opening and shutting of the doors.
- The windows were adequate for ventilation from a food hygiene perspective, however, should the nature of the business change they might become insufficient.

The applicant noted that consideration had been given to adding a sound dampening edging to the doors and shutters. The shutter would not be used while the premises was trading.

There were no questions from the Licensing Officer or the council's Legal Advisor.

Ward councillors

Councillor Maggie Parker presented her representation, noting that she was also expressing the views of the Three Rivers councillors who had made representations. Her representation was on the basis that the prevention of public nuisance would be undermined if the application were granted. There were concerns about noise, fumes, the gates and cars. The delivery vehicles would create light and noise disturbance. She was concerned about the overall impact on residents. She asked that the licence application be turned down.

There were no questions for Councillor Parker.

Interested parties

It was noted that a number of residents had sent their apologies for being unable to attend.

Ms Marianne Chambers was invited to address the Sub-Committee. There were concerns about the location of the premises which was inappropriate. Levels of light and noise would be affected and the road was very dark at night. She asked for clarification on the timings of the application. It was confirmed that the applicant sought a licence for late night refreshment from 23.00 to 02.00 and before these times no licence was required. She asked that the application be rejected.

Ms Sylvaine Templeton was invited to address the Sub-Committee. She reiterated the concerns expressed and questioned whether the premises was needed in this location.

Ms Suzanne Praties was invited to address the Sub-Committee. Referring to the windows for ventilation, Ms Praties questioned their sufficiency during the summer. There were issues with vermin and a food premises would exacerbate the issue. The Chair advised that this was a public health matter, not a licensing issue.

Commenting on the question of ventilation, Ms Trollope explained that the windows were adequate but that there was the potential for noise breakout.

Mr John Praties addressed the Sub-Committee with the agreement of the Chair. He was concerned about the location of the food outlet and the impact of the surrounding industrial units and pollution. Responding to a question from the Chair, Mr Praties advised that noise from the car repair industrial units varied and the units also caused pollution.

Mr Quintin Butcher was invited to address the Sub-Committee. Mr Butcher outlined his concerns relating to parking. He also noted the poor state of repair of the roads. In response to a question from the Chair, he said that his concern was there was nowhere for the premises' vehicles to park.

Mr Chaudry advised that his delivery vehicles had allocated parking within the industrial estate. Residents responded that they were concerned that the headlights would be on facing the houses from inside the estate.

A number of comments were made about the need for the premises; it was explained that this was not a licensing matter that could be taken into consideration.

On several occasions, the Chair drew interested parties' attention to the licensing objectives and reminded them to ensure that their submissions related to these areas.

Address by the applicant

The applicant, Mr Hamzah Chaudry, presented the application to the Sub-Committee. He clarified the following issues:

- the application was for delivery only; there would be no collection or customers on-site.
- staff would be given clear training about procedures.

- the delivery drivers would use hybrid vehicles which operated in the electric-mode when driving under 30 mph.
- the shutter door would be kept open at busy times, and the main gates to the estate would be open until the premises closed.
- drivers would be asked to use dipped headlights in the area.
- there would be no illuminated signage on the premises.
- following consultation with the police, it was confirmed that there were no concerns surrounding antisocial behaviour.
- the two windows would be used for ventilation and there would be 2-3 staff inside the building.
- he would be present for the closing up period at the end of the shifts.
- noise from the shutters would be minimised by the addition of sponge edging which was going to be added. There was some echo from the shutter.

In response to a question from the Chair, Mr Chaudry explained his background. He had always worked in food businesses and described the areas where he had worked. The location of this premises worked well for his business and this was his only venture in Watford. There was one other delivery-only premises in Watford.

Following questions from the Sub-Committee, Mr Chaudry explained that he had initially opened for a week and a half in August before he was advised by the council that he needed a licence. Fridays and Saturdays were the busiest days and he had been open until 04.00 on those days; he had closed at 02.00 the rest of the week. He had had approximately 15 to 20 deliveries in total after 23.00 hours. There had not been any complaints during this time. The business would be operating one or two vehicles.

Addressing the business model, Mr Chaudry advised that the business only operated on online platforms and no customers drove up to the premises. A collection service was initially available but it was quickly stopped.

Responding to questions about noise levels, Mr Chaudry explained that preparation would start at 16.00 and trading would begin at 18.00. The noisiest machine was the dough mixer and this would not be used in the evening. He had checked the noise levels and they were not audible in the street.

There were questions from the interested parties about how the public were made aware of the application. The Licensing Officer explained the procedure which was in accordance with the Licensing Policy that had been adopted by Full Council. The Senior Solicitor noted that 15 properties had been notified and this was not a statutory requirement. The applicant had advertised a notice on the

premises and also attached a copy of the notice to the gates to the industrial estate when requested.

Responding to a question about deliveries, Mr Chaudry advised that he would deliver supplies to the premises himself during the day and he had sufficient parking.

There were no questions from the responsible authority, the Licensing Officer or the Council's Legal Advisor.

Summary

The Environmental Health Officer advised that there was a typographical error on page 27 of the agenda; condition 10 should refer to extraction rather than signage in the comment.

The interested parties did not wish to make closing statements.

In closing, the Applicant advised that he was willing to work with the residents to ensure that the premises did not cause a nuisance. Procedures would be put in with staff to ensure that this was the case.

Decision

The Sub-Committee retired to consider its decision.

On the Sub-Committee's return, the Chair announced the decision.

RESOLVED –

Having heard the representations from the Responsible Authority and the interested parties and on hearing the evidence from the applicant, the sub-committee has decided to grant the application for late night refreshment for the following; Sunday to Thursday until 00:00 and on Friday and Saturday until 0200.

The following conditions have also been attached:

1. The premises licence holder shall ensure that no members of the public shall be admitted to the premises.
2. All orders for late night refreshment shall only be accepted if they are made remotely.
3. The premises licence holder shall ensure that all orders for late night refreshment are dispatched to bona fide addresses only.
4. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of Hertfordshire Constabulary. All entry and exit

points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. This includes noise from shutters or gates.
6. No deliveries may be made to the premises between 20.00 and 08.00 hours.
7. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
8. Notices shall be prominently displayed at all exits requesting staff to respect the needs of local residents and leave the area quietly.
9. All late night refreshment provided under this licence shall be for consumption off the premises only.
10. The Premises Licence holder shall ensure that no refuse will be moved into the area outside the premises or external bins between 23:00 hours and when the business reopens the following day.
11. The premises licence holder shall ensure that no external signage or advertisements shall be illuminated.

In reaching this decision, the Sub-Committee has taken into account the provisions of the Licensing Act 2003, the Secretary of State's guidance and the provisions of the Council's Statement of Licensing Policy.

Chair

The Meeting started at 10.30 am
and finished at 1.00 pm