

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 30 May 2019

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillors Gareth Allatt and Tony Owen

Also Present:

Councillor Will Rowlands

17 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Pauline Tunnicliffe was appointed Chairman for the meeting.

18 DECLARATIONS OF INTEREST

There were no declarations of interest.

19 APPLICATION FOR A PREMISES LICENCE FOR ECONO PIZZA, 51 MOTTINGHAM ROAD, SE9 4QZ

Summary of the Decision:

The Licensing Sub-Committee considered the application for a new premises licence at Econo Pizza, 51 Mottingham Road, SE9 4QZ, taking into consideration the relevant representations. The Committee took into consideration the four licensing objectives, the Council's Statement of Licensing Policy as amended, and the Guidance issued under the Licensing Act as amended.

The Committee decided to **Grant** the application as stated in accordance with the revised application and added conditions.

Background to the Application:

The applicant applied for a premises licence; the application was adjourned without prejudice on the 20th March 2019 to allow the applicant to complete a vital part of the application form which would clearly show how the applicant intends to promote the four licensing objectives. The missing operating schedule was necessary information for the Licensing Sub-committee in order to assess the application.

The Applicant's Case:

The Committee was informed that following the adjourned hearing on the 20th March 2019, the applicant provided the relevant information and agreed to conditions to the licence which were included in the application. The CCTV as

requested by the Metropolitan Police would be in use, the Accident Book in place, and the revised late trading hours would be as follows:

- Sundays to Thursdays from 23:00 hours to 02:00 hours.
- Fridays to Saturdays from 23:00 hours to 03:00 hours.

The main door and shutter would be closed at Midnight for takeaway customers. Only online orders would be delivered quietly by delivery drivers from the back door of the premises, as stated in the applicant's application.

The applicant mentioned that his business will not be using noisy vehicles or motorbikes. The applicant said he would use electric vehicles for his business, and mentioned that the business already had one. The applicant mentioned that he had no control over Uber vehicles. His staff however, would undergo appropriate training and they would be trained to work quietly and to respect the neighbourhood. In response to a question regarding noise emanating from a rear access gate, the applicant said it was not a very noisy gate--however, he agreed to contact his landlord in order to resolve the issue. The applicant mentioned he was aware of the conditions to the licence. Members reminded the applicant to adhere to the conditions of the licence.

The status of the applicant's planning application for a certificate of lawfulness:

The applicant mentioned that he had submitted an application to the Planning Department at the Council and that it is yet to be determined. In addition, the previous owner of the premises had provided a statutory declaration which confirmed the previous class use of the premises being A3 and A5.

Comments from the Licensing Team:

The Licensing Team Manager mentioned that the current hearing was different from the previous hearing which was adjourned on 20/3/2019, because the applicant had submitted a revised application and accepted the proposed police conditions to include revised operating hours .

At the Hearing there was a discussion with the applicant and with Licensing Sub-Committee members and the Licensing Team Manager, to establish how the last orders in the evening would be served, in order to ensure the premises were promptly closed at the end of the trading hours. During the discussion, the applicant accepted the suggestion from members of the licensing Sub-Committee to take the last orders fifteen minutes before the end of the trading hours.

Objections and Support:

Members of the Licensing Sub-Committee received and considered both objections and support for the application.

- Objections were received and considered from ward councillors and residents/Mottingham Resident's Association. A ward councillor attended and expressed his objections. The main concerns were possible noise nuisance resulting from vehicles, operating hours and furthermore, the Licensing Sub-Committee were informed of a noisy rear access gate. It was agreed that the applicant would consult his landlord to address the rear gate issue.
- Objections received from the Police were later resolved by the applicant agreeing to relevant conditions.
- Support from various residents was received prior to the hearing, and some of the residents attended the hearing, including one who lived within a neighbouring distance to the above premises.

Decision:

The Committee resolved to grant the above premises license having considered the amended application, the added conditions, all the relevant written and oral representations, and the Council's Statement of Licensing. The licence is as stated in the application pack subject to an additional line in the conditions.

Conditions:

Agreed conditions were stated in the application pack. An agreed additional last line relating to the Metropolitan Police condition No.1 noted in email from PC Tony Rose dated 13th May 2019 was incorporated. Condition Number 1 was amended by adding a line at the end of the paragraph to read as follows: "Images from the CCTV to be made available to Police or Council Officers upon request."

Reasons for the Decision:

The Licensing Sub-Committee decided to grant the premises licence subject to the modifications (added line to the Metropolitan Police's conditions) made at the Hearing. The Licensing Sub-Committee when deliberating took into consideration the following:

- a) All the licensing objectives, the relevant licensing policies and guidelines.
It looked at the application as a whole, and all the steps which the applicant intended to take to promote the licensing objectives.
- b) All points raised by all parties in the application bundle and at the Licensing Sub-Committee Hearing.
- c) The Metropolitan Police's concerns as well as all the other responsible authorities.

- d) That the applicant agreed to all conditions including those proposed by the Metropolitan Police.
- e) That the applicant has agreed to reduce the premises' operating hours.
- f) The applicant agreed to all the relevant policies and conditions, and had shown good intention to uphold the licensing objectives, and to listen to residents' concerns.
- g) The relevant Licensing Act provides for a review process for any licensing premises which can be utilised as and when required.

The Committee judged that the above mentioned reasons, as well as the conditions which were incorporated into the premises licence were necessary, in order to uphold all of the licensing objectives.

In conclusion the Committee in line with the relevant policies and guidelines, made the decision that the new premises licence application to be **granted with the relevant conditions agreed at the Licensing Sub-Committee Hearing and as noted in the full decision.**

The parties have a right to appeal to the Magistrates' Court within 21 days from the date of this decision notice.

The meeting ended at 12.00 pm

Chairman