

Licensing Act Sub-Committee – Record of Hearing held on Monday, 19 June 2017 at 6.00 pm

Members: Councillor Holt (Chairman) and Councillors Belsey and Swansborough

1 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.

None were declared.

2 Variation to a Premises Licence - Dominos Pizza, 1 Langney Road.

All parties present introduced themselves and the Chairman detailed the procedure to be followed at the meeting.

The Specialist Advisor for Licensing outlined the report detailing the application to vary a premises licence for Dominos Pizza, 1 Langney Road. Details of the current premises licence and variation sought were appended to the report.

When submitting an application for a variation to a premises licence under the Licensing Act 2003, the applicant is required to describe any steps they intend to take to promote the four Licensing Objectives, as defined by the Licensing Act 2003. These were appended to the report at Appendix 1.

The premises in question was located within the Cumulative Impact Zone and where valid representations were received, the Cumulative Impact Policy creates a rebuttable presumption that the application be refused. It is up to the applicant to demonstrate that granting the application would not add to the cumulative impact caused by licensed premises and challenges already experienced in the area and would not undermine the promotion of the licensing objectives.

In response to a question from the Sub-Committee, the Specialist Advisor for Licensing advised that no complaints had been received when Dominos Pizza had operated at the Grove Road premises.

Following a consultation period of 28 days, two representations had been received and there were appended to the report.

Mediation had taken place between Sussex Police and the applicant and it was agreed to remove the sale of alcohol from the licence, add conditions in relation to the CCTV system, a refusal and incident book. This was detailed at appendix 4 to the report.

Mrs Helen Hughes addressed the Sub-Committee on behalf of local traders and residents in the area. She stated that there had been an increase in noise and congestion since Dominoes had started trading in Langney Road and there were a lack of legal parking spaces compared with the amount of vehicles utilised by Dominos Pizza.

Mrs Hughes feared that an increase to the opening hours would be detrimental and increase the problems faced in the area, including people congregating and waking residents in the early hours. She stated that the area had improved since several food outlets had stopped trading before midnight.

In response to a question from the Sub-Committee, Mrs Hughes acknowledged that since February 2017, any specific incidents of anti-social behaviour could not be directly linked to Dominos Pizza. She added that although the premises would put steps in place to address anti-social behaviour, the area had to deal with the aftermath of customers leaving the premises and congregating in the area.

Mrs Lucia Singh, applicant and owner addressed the Sub-Committee and advised them that there was a nearby pizza outlet in Susans Road that already had a licence and was open until 3:00 am and kebab shops in Langney Road were also open until the early hours. She stated that she was willing to take steps to ensure that delivery drivers were courteous and respectful when driving through the town. Each driver was required to sign a Safety Agreement as part of their training and had to complete an online course. Since the concerns from local residents had been raised, additional commitments had been made from drivers in the Langney Road area to refrain from having conversation with colleagues outside the store, turning off vehicle engines and refraining from playing any loud music.

Mrs Singh made reference to the previous Grove Road premises where concerns from local residents regarding the arrival of the delivery trucks during the early hours of the morning had been addressed and restrictions were implemented.

Mrs Singh acknowledged the concerns of residents regarding congestion in the area. The Sub-Committee was informed that a new store was being built at Freshwater Square, taking half of the delivery area away from the Langney Road premises, therefore reducing the congestion currently experienced.

The Sub-Committee was advised that steps had been taken, in co-operation with Police to address the anti-social behaviour and street drinkers in the area by locking the gate at the back of the store at 7:00 pm.

Mrs Singh reiterated that the premises had no intention to sell alcohol and therefore believed that there would be no increase in anti-social behaviour as a result. If the variation to the licence were to be granted, Mrs Singh stated that when opened on a Friday and Saturday until 1:00 am the premises was willing to hire a security guard to assist with dispersing and deterring any anti-social behaviour. Mrs Singh added that she was willing

to sit on any local resident's committees and have active communication with local traders etc.

In response to a question from the Sub-Committee, Mrs Singh advised that there was a 19 step disciplinary procedure for drivers should any complaints be received.

Mrs Hughes added that although the premises encouraged customers to come in and eat their meal, there was only seating available for around 10 people. Mrs Singh responded that the premises was not a restaurant and therefore a customer would likely only remain inside for around 15 minutes.

Mrs Hughes also stated that other nearby food stores such as KFC had used security guards with little success and now closed at 10:30 pm. She also suggested that the Dominos' premises in Langney could be utilised instead for later closing times as residents weren't nearby in comparison to Langney Road.

Mrs Hughes gave her closing remarks by stating that she hoped that the Sub-Committee would take the concerns of local residents and traders into account when deliberating their decision.

Mrs Singh concluded by adding that no objection had been made by Sussex Police to the application and CCTV was installed outside the premises to deter anti-social behaviour. She reiterated that she was willing to work with local residents and traders to address any issues.

Following all the evidence presented the Sub-Committee retired to consider and determine the application.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

RESOLVED: That the application be granted in full as requested.

The meeting closed at 7.02 pm

Councillor Holt (Chairman)