



**LICENSING PANEL
18 JUNE 2015
2.00 - 2.50 PM**

Present:

Councillor Nick Allen
Councillor Michael Brossard
Councillor Clifton Thompson

In Attendance:

Simon Bull, Assistant Borough Solicitor
Charlie Fletcher, Licensing Officer
Charlie Fielder, Environmental Health Officer
Mr Sanj Uppal, Applicant

12. Declarations of Interest

There were no declarations of interest.

13. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

14. New Application - Pizza Hut, Unit 2 West View, Market Street, Bracknell, RG12 1JD

The Panel's decision was that the application for a new premises licence in respect of Pizza Hut, Unit 2, West View, Market Street, Bracknell, RG12 1JG shall be granted subject to additional conditions.

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer Mr Charlie Fletcher, who outlined the issues;
- the Applicant, Mr Sanj Uppal
- the responsible authorities Miss Charlie Fielder Environmental Health and Mr Mike King, Thames Valley Police. Mike King did not attend but his written representations were considered. The other representation was heard in person.

These representations were considered together with reference to the appropriate Licensing Objectives: the Prevention of Public Nuisance, Crime and Disorder and the Protection of Children from Harm, the Council's own Licensing Policy and the Secretary of State's Guidance. The principal objectives in this case being public safety in respect of cars pulling over and public nuisance specifically noise nuisance.

At the conclusion of the Panel Hearing, having heard all participants present, the participants confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that two of the responsible authorities Environmental Health and Thames Valley Police had made representations. The Panel noted that Thames Valley Police's representation had been accepted by the applicant at mediation. The Panel noted that Environmental Health had considered the application for a new premises licence for Pizza Hut and had raised concerns about the impact of noise from potential customers on close neighbours and in the general area, arising from the opening hours proposed by the applicant.

The applicant confirmed that the Pizza Hut site was not a restaurant and customers were only able to order food to be either delivered or taken away with them; CCTV operation had been added as a condition variation at mediation so the site would be regulated; Pizza Hut staff would ensure that the site was kept tidy and notices would be erected to encourage people to be respectful and quiet for residents nearby. Based on his prior experience of the trade the applicant expected the majority of his customers would use the delivery option rather than the 'walk-in' option. The applicant was interested in being a good neighbour to residents in the area and was not aware of any issues relating to anti-social behaviour or litter at the site.

The Panel noted that as a result of mediation with the applicant some additional conditions had been agreed.

The Panel decided that granting the premises licence subject to the additional conditions would promote the four licensing objectives, and noted that the proposed licensing conditions addressed some of the concerns with regard to noise nuisance and public nuisance .

The Panel had to consider on the one hand the applicant's right to run his business free of unnecessary restrictions but that had to be balanced against the rights of those who live in the vicinity not to be woken or disturbed by the applicant's patrons when they leave the premises late at night. At the invitation of the applicant the Panel took into account the trading times of nearby competitors and believed that the conditions that they imposed would serve to ensure that the applicant was proactive in his noise management, whilst being granted the right to extend his licensable hours of opening and develop his business. At the same time it sought to provide a degree of protection for local residents to ensure that they are not disturbed by noise nuisance generally or have their sleep disturbed. If noise nuisance were to occur in the future the interested parties could seek a review of the licence and it could be varied.

Therefore the licence was granted subject to the additional conditions 15 to 16 below and the previously agreed conditions 1 to 14 below:

Annex 1 – Mandatory Conditions

N/A

Annex 2 - Conditions consistent with the Premises Operating Schedule:

1. No alcohol is to be supplied at any time.
2. Fire extinguishers shall be available and maintained regularly.
3. All staff shall be trained in fire safety.

4. Bins located to the front of the store shall be regularly emptied during the day and at the close of business

Annex 3 - Conditions suggested by the responsible authorities – agreed at mediation

5. The licensee shall ensure that the footway and public space in the vicinity of the premises is swept and kept free of litter at regular intervals whilst the premises are open and at the close of business, and litter and sweepings disposed of in an appropriate manner.
6. A management policy shall be implemented to manage the noise and conduct of customers within the vicinity of the premises.
7. Notices shall be displayed at the exits requesting that customers should leave the premises quietly and to respect local neighbours.
8. Doors and windows to the premises shall not be kept open except when in use for access and egress by customers and staff so as to prevent noise nuisance.
9. All extraction and ventilation equipment shall be installed and maintained in accordance with Building Regulation Standards, and shall be operated to ensure that there is no nuisance caused to neighbouring properties.
10. Staff shall monitor and take appropriate action for any anti-social behaviour captured on the CCTV.
11. Delivery drivers visiting the premises will be instructed to enter and leave their vehicles quietly, not to leave the engines running whilst making deliveries and to park considerately at all times.
12. Waste collection and commercial deliveries shall not happen outside the hours of 07:00 to 22:00 Monday to Saturday, with no waste collection or commercial deliveries on a Sunday or Bank Holidays.
13. (a) An incident book shall be used to record details of incidents that occur in and around the venue.
(b) The incident book shall truly reflect what has occurred and shall be specific in details. If incidents involve members of staff, including any door supervisors, their names shall be entered onto the log book.
(c) All incidents shall be signed off either by the licence holder or another nominated individual
(d) All visits by an enforcement authority, all refusals of service, entry and capacity numbers whilst door supervisors are on duty shall be recorded and weekly reviews of the incident book shall be carried out and signed off by the licence holder or other nominated individual.
(e) The incident book shall be retained for a period of six months and shall be made available on request to any authorised officer of the Police or an authorised officer from Bracknell Forest Council
14. (a) A CCTV system shall be installed in accordance with current or amended Home Office guidelines relating to UK Police Requirements for Digital CCTV Systems.
(b) The system shall be maintained and operated correctly to the satisfaction of Thames Valley Police, ensuring all licensed areas of the premises (except toilet facilities) are monitored, including all entry and exit points, enabling frontal identification of every person entering and in any light condition.

- (c) All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept and available for a minimum of 31 days with time and date stamping, except for mechanical breakdown beyond the control of the proprietor. Any breakdown or system failure will be notified to Thames Valley Police immediately and remedied as soon as practicable.
- (d) Recordings shall be made available to an authorised officer of Thames Valley Police or Bracknell Forest Council with facilities for viewing with immediate access by a person qualified to operate the system.
- (e) Any request from Thames Valley Police or Bracknell Forest Council for a recording to be made for evidential purposes must be carried out within forty eight hours.
- (f) A sign advising customers that CCTV is in use shall be positioned in a prominent position at all access points.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

- 15) The premises shall be closed to all customers by 01:00 on Fridays and Saturdays and 00:00 at all other times. The premises shall only be open to walk-in customers until the hours of 00.30 on Fridays and Saturdays and 23.30 at all other times.
- 16) There shall be no admittance or re-admittance of walk-in customers after the hours of 00.30 on Fridays and Saturdays and 23.30 at all other times. From the walk-in closing time, any walk-in customer waiting to collect food must wait inside the premises at all times until their food is ready. If they leave the premises for any reason after the walk-in closing time, they shall be refused re-entry. This condition does not allow any discretion for entry or re-entry after the walk-in closing time, so for the avoidance of doubt a person who has made an order for food prior to the walk-in closing time can be admitted and wait in the shop until their food is ready to take away. Anyone trying to enter or re-enter the premises after the walk-in closing times must be refused entry and service.