

AGENDA

Meeting: Northern Area Licensing Sub-Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Thursday 7 April 2011
Time: **1.30 pm**
A briefing for Sub-Committee members will take place at **1.00 pm**
Matter: **Application for a Variation of a Premises Licence in respect of Domino's Pizza, 16-17 New Road, Chippenham, SN15 1HJ**

Please direct any enquiries on this Agenda to Chris Marsh, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713058 or email chris.marsh@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Desna Allen
Cllr Mark Griffiths

Cllr Jon Hubbard

AGENDA

1. **Election of Chairman**

To elect a Chairman for the meeting of the Sub-Committee.

2. **Procedure for the Meeting** *(Pages 1 - 8)*

The Chairman will explain the attached procedure for the members of the public present.

3. **Chairman's Announcements**

The Chairman will give details of the exits to be used in the event of an emergency.

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Licensing Application**

To consider and determine an Application for a Variation of a Premises Licence by MSG Sandhurst Limited in respect of Domino's Pizza, 16-17 New Road, Chippenham, Wiltshire SN15 1HJ.

5a. **Report of the Licensing Officer** *(Pages 9 - 12)*

5b. **Appendix 1 - Application for the Variation of a Premises Licence Under the Licensing Act 2003** *(Pages 13 - 34)*

5c. **Appendix 2 - Current Premises Licence** *(Pages 35 - 38)*

5d. **Appendix 3 - Copies of Relevant Representations** *(Pages 39 - 46)*

5e. **Appendix 4 - Amendments Proposed by Applicant** *(Pages 47 - 48)*

5f. **Appendix 5 - Copy of Letter Sent to Interested Parties** *(Pages 49 - 50)*

5g. **Appendix 6 - Copies of Responses Received from Interested Parties** *(Pages 51 - 52)*

5h. **Appendix 7 - Location Map** *(Pages 53 - 54)*

LICENSING COMMITTEE

PROCEDURAL RULES FOR THE HEARING OF LICENSING ACT 2003 APPLICATIONS

1 Purpose

- 1.1 These rules have been prepared to facilitate proper consideration of licence applications, made under the Licensing Act 2003, by the Licensing Committee and its Sub Committees.
- 1.2 The rules set out a framework for how applications are to be heard and explain the role of the participants at the Hearing.

2 Definitions

- 2.1 The following definitions describe the participants at and the subject matter of a Hearing:

“Applicant” means the person who has submitted an Application for consideration by the Committee.

“Applicant’s Premises” means premises subject to the Application.

“Applicant’s Representative” means a person attending a Hearing to assist or represent an Applicant including a lawyer.

“Application” means an application for the Grant/Variation/Transfer/Review and any other decision to be made by the Committee/Sub-Committee in respect of a Licence.

“Chairperson” means the Member who is the Chairperson of the Committee for the particular Hearing.

“Committee” means the Council’s Licensing Committee and includes any Sub Committee of the Licensing Committee.

“Committee Lawyer” means the Council’s Lawyer (including an external Lawyer instructed by the Council’s Legal & Democratic Services Manager) who is present at a Hearing to advise the Chairperson and the Members.

“Committee Manager” means the Council’s Officer who is present at a Hearing to take minutes.

“Committee Report” means the Licensing Officer’s written report to the Committee concerning an Application, a copy of which has been previously made available to the Applicant or their Representative, a Responsible Authority or their Representative or an Interested Party or their Representative.

“Hearing” means a meeting of the Committee at which an Application is considered.

“Licence” means a Licence which the Committee has the power or duty inter alia to grant, transfer, suspend or revoke.

“Licensing Officer” means the Council’s Licensing Officer(s) who is/are present at a Hearing to present reports in respect of an Application and to give technical advice in respect of an Application to the Committee when requested.

“Licensing Authority” the Council in whose geographical area the subject matter of the Application relates to, and includes the Council’s Licensing Committee, any Sub Committee of the Licensing Committee and a Licensing Officer.

“Member” means a Member who is a Member of the Committee that is considering an Application.

“Responsible Authority” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as Responsible Authority and includes any person who is present to assist or make representations on behalf of the Responsible Authority including a Lawyer.

“Interested Party” means a person who is present at a Hearing to make representations in respect of an Application in their capacity as an Interested Party, and includes any person who is present to assist or make representations on behalf of the Interested Party including a Lawyer.

3 Key Principles

- 3.1 The principles of ‘natural justice’, and Article 6 ‘Right to a Fair Trial’, which is one of the Convention Rights in the Human Rights Act 1998, require that there is a fair Hearing of Applications.
- 3.2 Natural justice is an umbrella term for the legal standards of basic fairness. This will include that:

- 3.2.1 the Applicant has an opportunity to make representations before a decision is made;
 - 3.2.2 those making representations have an opportunity to voice their representations before a decision is made;
 - 3.2.3 the Applicant has an adequate opportunity to consider and respond to any submissions made by a Responsible Authority/Authorities and/or an Interested Party/Parties;
 - 3.2.4 the Committee does not exclude an Applicant from a Hearing in order to consider submissions from a Responsible Authority/Authorities and/or an Interested Party/Parties.
- 3.3 It is also fundamental that there is an orderly presentation of submissions at a Hearing so that the relevant issues are properly understood, evidence is tested and that oral statements made at the Hearing are accurately recorded.
- 3.4 Ultimately the Chairperson determines the application of these rules, having regard to any submissions being made by those present and in particular the Committee Lawyer.

4 The Hearing

- 4.1 The Hearing shall take place in public.
 - 4.1.1 The Committee may exclude the public from all or part of the Hearing where it considers it to be in the public interest to do so and, in accordance with the Local Government (Access to Information) Act 1985, as amended. Public includes a party and any person assisting or representing a party.
 - 4.1.2 The Committee may require any person attending the Hearing who, in its opinion, is behaving in a disruptive manner, to leave the Hearing and may:
 - A refuse to permit them to return;
 - B permit them to return only on such conditions as the Committee may specify;
 - C in the event that a person is required to leave a Hearing that person may, before the end of the Hearing, submit to the Committee in writing any information which they would have given orally.
- 4.2 Prior to the Hearing commencing, the Chairperson shall advise the parties of the procedure it proposes to follow at the Hearing.

- 4.3 Where a party has previously requested permission for a person(s), other than their representative, to appear at the Hearing then the Committee shall consider whether to permit that request.
- 4.4 The Committee will allow the parties an equal maximum period of time in which to exercise their rights.
- 4.5 This equal maximum time may have been notified in advance of the Hearing;
- 4.6 Where there is a multiple of Interested Parties who have attended the Hearing to make the same representation then the Committee would normally require that a spokesperson be appointed by them to make the representations on behalf of all of those Interested Parties.

5 Presentation of Submissions

- 5.1 The Chairperson will introduce the Application.
- 5.2 In the event that the Licensing Authority has given notice to a party requiring clarification on a point(s) then that party shall respond to the points raised by the Licensing Authority.
- 5.3 Submissions shall be made in the following order unless the Chairperson directs otherwise:
 - 5.3.1 The Licensing Officer will orally present the Committee Report and will in particular advise the Committee as to:
 - A the options available to it;
 - B the considerations that are relevant in reaching its decision.
 - 5.3.2 The Review Applicant (or the Applicant's Representative) will orally present its submission which may include:
 - A presenting their case in accordance with the papers, which will have been circulated with Agenda papers;
 - B confirming key information and answer pertinent questions; and
 - C calling witnesses in support of the Application (see paragraph 4.3).
- A Responsible Authority/Authorities and/or an Interested Party/Parties will orally present their representations in turn which shall include:
 - A the grounds of the representation to the Application; and
 - B any condition(s) that the Responsible Authority/Authorities and/or an Interested Party/Parties would be happy to have the Application granted subject to which would cause the representation to be withdrawn.

The Premises Licence Holder and/or their representative will orally present their representations which shall include;

- A The response to the representations made by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties; and
- B Whether they would be happy to accept any modifications to the Licence as suggested by the Review Applicant, a Responsible Authority/Authorities and/or an Interested Party/Parties.

6 Questioning of Submissions

- 6.1 The Chairperson will regulate the order in which questions are asked by Members.
- 6.2 The Chairperson and Members, voiced through the Chairperson, may question any party following the completion of their submission.
- 6.3 The Chairperson will normally permit the Applicant, a Responsible Authority/Authorities or an Interested Party/Parties to ask questions through them of the other parties.
- 6.4 The Chairperson may direct that questions which are not relevant to the Application or one of the four Licensing Objectives are not formally put or answered.

7 Documentation

- 7.1 No party shall present new documentation to the Committee at the Hearing other than with the consent of all of the other parties. This does not preclude the Licensing Officer from correcting errors, providing updated information or an extract from a local map showing the Applicant's Premises in the context of the surrounding premises and any Interested Party's premises. If any party is granted permission to present supplementary papers at the Hearing they shall provide at least 10 copies at the start of their submission.

8 Intervention

The Chairperson shall permit the following interventions at any point in the Hearing:

- 8.1 The Committee Lawyer to advise the Committee on issues of law, procedure and relevant considerations on decision making. If necessary, the Chairperson may require the Committee, the Committee Lawyer and the Committee Manager to leave the Hearing so that advice can be given.

- 8.2 The Committee Manager to advise the Committee on procedure generally, or to request that statements made are repeated for reasons of clarity and so that they can be properly recorded.
- 8.3 The Licensing Officer to seek to clarify statements that have been made in light of information held on their file.

9 Failure of Parties to Attend Hearing

- 9.1 If a party has informed the Licensing Authority that it does not intend to attend or be represented at a Hearing, the Hearing may proceed in its absence.
- 9.2 If a party has not indicated that it does not intend to attend or be represented at a Hearing and fails to attend or be represented at the Hearing then the Licensing Authority may:
 - 9.2.1 where it considers it be necessary in the public interest, adjourn the Hearing to a specified date; or
 - 9.2.2 hold the Hearing in the party's absence.
- 9.3 Where the Licensing Authority holds a Hearing in the absence of a party, it shall consider at the Hearing the application, representations or notice made by that party.

10 Closing Submissions

- 10.1 The Chairperson shall allow first, the Responsible Authority/Authorities and the Interested Party/Parties to make a closing oral submission(s) and secondly invite the Applicant or the Applicant's Representative an opportunity to make an oral closing submission in support of the Application.

11 Decision

- 11.1 The Committee, the Committee Lawyer and the Committee Manager, shall retire so that the decision may be considered in private, and to consider any legal issues raised by the Members.
- 11.2 The decision, and reasons for the decision, of the Committee shall be communicated orally by the Chairperson to the parties after the Committee has deliberated in private on the Application.
- 11.3 Written reasons shall be provided soon after the deliberations of the Application and in any event within the statutory time limits.

Hearing Procedure Summary

1. The Chairperson welcomes all those present and introduces the Application.
2. The Chairperson introduces the Applicant, Responsible Authority/Authorities and/or Interested Party/Parties.
3. The Chairperson outlines the Hearing Procedure.
4. The Licensing Officer presents the Committee Report.
5. The Applicant addresses the Committee.
6. Questions to the Applicant by Responsible Authority/Authorities and/or Interested Party/Parties.
7. Questions to the Applicant by Members of the Committee.
8. Comments by Responsible Authority/Authorities and/or Interested Party/Parties.
9. Questions by Applicant.
10. Questions to Responsible Authority/Authorities and/or Interested Party/Parties by Members of the Committee.
11. Summing up by Parties who have made representations.
12. Summing up by Applicant.
13. Committee retires with the Committee Lawyer and Committee Manager to consider its decision.
14. Committee returns and the Lawyer gives a summary of any legal advice that may have been given to the Committee, and invites the parties present to make any comments on that advice.
15. The Chairperson either gives the decision with reasons, or advises that it will be released in writing with reasons within the statutory time limits.

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Agenda Item 5a

REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

Report No:

Date of Meeting	07 April 2011
Title of Report	Variation of Premises Licence Dominos Pizza, 16-17 New Road, Chippenham
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter is governed by the Licensing Act 2003 (Hearings) Regulations 2005. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

Summary of Report

An application to vary a premises licence has been made by MSG Sandhurst Limited for which there are relevant representations.

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to the representations.

In accordance with Section 34(3) of the Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

The licensing objectives are: -

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of Children from Harm.

Such steps are: - To modify the conditions of the licence or to reject the whole or part of the application.

Officer Recommendations

None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Contact Officer	Mrs Linda Holland Senior Licensing Officer 01249 706410 linda.holland@wiltshire.gov.uk
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1. Introduction

An application to vary the premises licence has been made by MSG Sandhurst Ltd, for which relevant representations have been received. The application for variation is attached to this report as Appendix 1

Wiltshire Council (as the Licensing authority) must hold a hearing to consider the application having regard to these representations.

In accordance with Section 34(3) of the Licensing Act 2003 the Licensing Sub Committee is required to take such steps as it considers necessary to promote the licensing objectives.

2. Background Information

The premise benefits from a Premises licence issued under The Licensing Act 2003 for the provision of late night refreshment which was granted in November 2005.

A copy of the licence is attached as Appendix 2

On the 21st February 2011 an application to vary the licence, was received by The Licensing Authority to extend the hours of late night refreshment.

The application was accepted as a valid application by the Licensing Officer.

A copy of the variation application is attached as Appendix 1

3. Summary of Application

The new application is to vary the current permitted hours of late night refreshment from:

Monday to Thursday	10:00 hrs to 23:00 hrs
Friday to Saturday	10:00 hrs to 00.00 hrs
Sunday	12:30 hrs to 23:00 hrs

To the new proposed hours of:

Daily	07:00 hrs to 05:00 hrs
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Please note a licence permitting the sale of Late Night Refreshment is only required for the activity between the hours of 23:00 and 05:00 under the Licensing Act 2003.

4. Relevant Representations

During the consultation period relevant representations were received from:

Three interested parties Two (2) living in the vicinity of the premises, and one (1) from a Member of the Licensing Authority

Mr J Marsh
Dr H Tegner
Councillor C Caswill

New Road Chippenham
New Road Chippenham
For Chippenham Monkton Ward

A representation was received from Wiltshire Police, following discussions between MSG Sandhurst Ltd and Wiltshire Police during the consultation period over the Police's area of concern, the applicant has subsequently proposed to amend their application as set out below:

Late night refreshment now to read: Counter service until 2am daily – deliveries only from 2am until 5am to business and residential addresses only.

All interested parties who made representations were advised of the proposed offer to amend the application by MSG Sandhurst Ltd, in writing, and were asked if they still wished to continue with their representation.

At the time of writing the report none of the interested parties making representations agreed to the proposed amendments, and wish to continue with their representations, a hearing is necessary to determine the application to vary.

Copies of the representations are attached as Appendix 3

A copy of the email from MSG Sandhurst Ltd amending their application is attached as Appendix 4

Copy of the letter sent to the residents is attached as Appendix 5

Copy of responses received are attached at Appendix 6

5. Legal Implications

It should be noted that both the premises licence holder and the interested parties may appeal the decision made by the licensing sub committee. The decision made by the Licensing sub committee however takes immediate effect.

The Premises Licence Holder and all interested parties have been informed of the date, time and location of the hearing and their right to be represented.

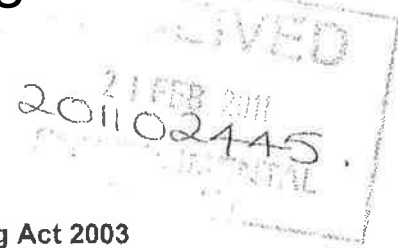
6. Risk Analysis

Not applicable.

<p>Appendices:</p>	<ul style="list-style-type: none"> • 1. Application to vary a premises licence under the Licensing Act 2003 • 2. Current premises licence • 3. Copies of relevant representations • 4. Amendments proposed by applicant (Via Email) • 5. Copy of letter sent to interested parties • 6. Copy of responses received from interested parties • 7. Location map
<p>Background Documents Used in the Preparation of this Report:</p>	<ul style="list-style-type: none"> • The Licensing Act 2003 • The Licensing Act (Hearings) Regulations 2005 • Guidance issued under sect 182 of the Licensing Act 2003 • Wiltshire Council Statement of Licensing Policy

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150.0



Application to vary a premises licence under the Licensing Act 2003

31/03/11

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I/We MSG SANDHURST LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/003328 NL
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description DOMINOS PIZZA 16 / 17 NEW ROAD			
Post town	CHIPPENHAM	Post code	SN15 2DL

Telephone number at premises (if any)	012 4946 2266
Non-domestic rateable value of premises	£17750

Part 2 – Applicant details

Daytime contact telephone number	012 762 2838		
E-mail address (optional)			
Current postal address if different from premises address	The Courtyard Chapel Lane Bodicote Banbury		
Post Town	Oxfordshire	Postcode	OX15 4DB

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The proposed variation is due to such a high demand from the general public, to extend opening times.

Please take reference, the majority of orders will be delivery to the public's homes.

The rest are collected from the premises for consumption elsewhere.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for performing plays (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Wed				
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri				
Sat				
Sun				

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Wed			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	07:00	05:00	Please give further details here (please read guidance note 3) The premises consists of a Dominos Home Delivery Store. The vast majority of pizzas are delivered. The rest are collected for consumption off the premises.		
Tue	07:00	05:00			
Wed	07:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	07:00	05:00	The Store will be opening every day with the exception of Christmas Day. Please can we request on the morning British Summer Time commences, an additional hour		
Fri	07:00	05:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) N/A		
Sat	07:00	05:00			
Sun	07:00	05:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) The store will be opening every day with the exception of Christmas Day. Please can we request on the morning British Summer Time commences an additional hour to be added.
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) As Above
Mon	07:00	05:00	
Tue	07:00	05:00	
Wed	07:00	05:00	
Thur	07:00	05:00	
Fri	07:00	05:00	
Sat	07:00	05:00	
Sun	07:00	05:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Please see attached document, titled - 'The Steps We Intend To Take To Promote The Four Licensing Objectives'

b) The prevention of crime and disorder

"

c) Public safety

"

d) The prevention of public nuisance

"

e) The protection of children from harm

"

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	16 February 2011
Capacity	DIRECTOR

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Claire Allen
The MSG Group
118 London Road
Camberley

Post town	Surrey	Post code	GU15 3TJ
Telephone number (if any)	012 762 2838		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) claire@themsggroup.com			

THE STEPS WE INTEND TO TAKE TO PROMOTE THE FOUR LICENSING OBJECTIVES

A. General - All Four Licensing Objectives

The store is a franchise of the worldwide Domino's home delivery pizza chain. Domino's has been in business for more than 40 years and during that time, has developed a system of business which primarily involves a home delivery services. Whilst it is possible to collect our products from the store, the vast majority of our business is delivering pizzas and other products we sell, to people's homes. We are governed by the rigorous standards set out in the Domino's Franchise Agreement and these relate to all aspects of operating the business, from the preparation of ingredients right through to the manner in which the product is delivered to our customers. We are mindful of our obligations to our staff, our customers, and others (e.g. local residents) who may be affected by the operation of our business. Our store is adequately staffed so as to allow the proper management of the premises and supervision of those who visit them. The Domino's system does not allow the sale of alcohol. Where customers visit the store, our pizzas are supplied to them in closed cardboard boxes and the nature and size of the product is conducive to being taken home for consumption, rather than being eaten whilst walking along.

B. The Prevention of Crime and Disorder

We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our store.

We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately of any such suspected activity on or in the vicinity of the store.

Our employment policies are designed to ensure we recruit professional and reputable staff.

We do not use or supply glassware.

C. Public Safety

The premises comply with all requisite health and safety legislation.

We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement.

In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our

home delivery service, which is the primary way in which we serve our customers.

D. The Prevention of Public Nuisance

Our doors and windows will be kept closed at night to prevent transmission of noise.

Our stores have very few customers who visit to buy our product to take away, but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours.

Music will not be played in the premises.

Our delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind our neighbours (particularly residential occupiers).

We would have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion.

Our equipment is properly sound insulated and operated strictly in accordance with manufacturers' requirements, guide lines and tolerances.

All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises.

We neither use nor supply glassware.

E. The Protection of Children from Harm

Our store is not licensed for the sale of alcohol.

Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are licensed.

LICENSING ACT 2003

PREMISES LICENCE

PREMISES LICENCE NUMBER: LN/003328 NL

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Domino's Pizza Store 16/17 New Road	
Post Town Chippenham	Post Code SN15 2DL
Telephone Number 01249 462266	

Licensable activities authorised by the Licence	The time the licence authorises the carrying out of licensable activities
Provision of Late Night Refreshment	Friday to Saturday 23.00 hrs to 00.00 hrs

The opening hours of the premises	
Monday to Thursday	10.00 hrs to 23.00 hrs
Friday to Saturday	10.00 hrs to 00.00 hrs
Sunday	12.30 hrs to 23.00 hrs

Name, (registered) address of holder of Premises Licence	
MSG Sandhurst Limited The Courtyard Chapel Lane Bodicote	
Post Town Banbury	Post Code OX15 4DB
Registered Number of Holder 02889070	

Licence Commencement Date

24th November 2005

.....
 Licensing Officer

Current Licence Date

30th November 2009

.....
 Licensing Officer

ANNEX 1 - MANDATORY CONDITIONS

Door Supervision

Where this Premises Licence includes a condition that one or more individuals must be at the premises to carry out a security activity, those individuals who are present to guard against a, b or c must be licensed by the Security Industry Authority:

- a. Unauthorised access or occupation (eg through door supervision)
- b. Outbreaks of disorder
- c. Damage

Supply of Alcohol

Where this Licence authorises the supply of alcohol:

No supply of alcohol may be made under this licence:

- a. At a time when there is no Designated Premises Supervisor in respect of it
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended"

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

Exhibition of Films

Where this Licence authorises the exhibition of films:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made:

- a. By the British Board of Film Classification (BBFC,) where the film has been classified by that Board
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC or, where the Licensing Authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.

ANNEX 2A - CONVERTED CONDITIONS

None

ANNEX 2B - OPERATING SCHEDULE

PREVENTION PUBLIC NUISANCE

None

PUBLIC SAFETY

- In the event of overcrowding of the premises, steps must be taken immediately to address the issue.

PROTECTION OF CHILDREN FROM HARM

None

PREVENTION OF CRIME AND DISORDER

- Staff will inform the Police immediately of any suspected drug activity on or in the vicinity of the store.

ANNEX 3 - HEARING

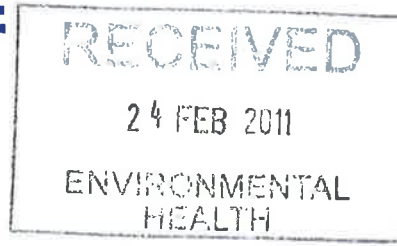
None

ANNEX 4 - PLANS

See Attached.

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WILTSHIRE POLICE



Mrs Linda Holland
Senior Licensing Officer
Public Protection Services
Wiltshire Council
Monkton Park
Chippenham,
Wilts SN15 1ER

Divisional Licensing Officer
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire BA14 7EP
Telephone: 0845 408 7000
Mobile:
Ext: 725522
Direct Dial: 01225 794627
Facsimile: 01225 794799
DX: 146500, Trowbridge 5.

Date 23 February 2011 Your ref

Our ref

Reply contact name is **David Bennett**

Dear Mrs Holland,

Ref: Dominos Pizza, 16-17 New Road, Chippenham SN15 2DL

The Wiltshire Police have received an application from MSG Sandhurst Ltd, on behalf of the above premise to vary their premises licence.

The variation being that on Sunday to Thursday their closing time would be 05.00 hours instead of 23.00 hours. In addition on Saturday and Sunday, their closing time would be 05.00 hours in place of midnight.

I am writing to confirm that the Wiltshire Police are placing an objection to this variation on crime reduction grounds.

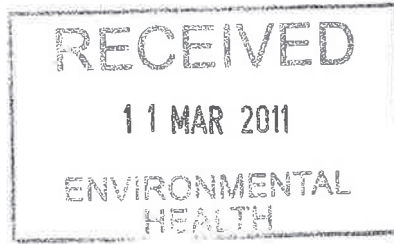
Yours sincerely,

pp David Bennett

Divisional Licensing Manager



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NEW ROAD
CHIPPENHAM
WILTSHIRE
SN15 1HP

Tel: [REDACTED]

E-mail: [REDACTED]

The Licensing Officer
Wiltshire Council
Monkton Park Offices
CHIPPENHAM
SN15 1ER

10 March 2011

Dear Madam/Sir

Representation from local resident on the application by Domino's Pizza, New Road, Chippenham for an extension of opening hours until 5.00 a.m.

I am writing to you as a resident living almost opposite Domino's Pizza in New Road to register my concern about the proposed extension of opening hours of that establishment.

My problem concerns the antisocial behaviour of a proportion of those people who patronise the fast food outlets and public houses in this neighbourhood, in terms of the noise they make and the litter they leave on the pavements. Members of the Council will already be well aware of the state of our pavements in the mornings particularly at the weekends. Judging by the pizza cartons frequently just thrown upon the sidewalks, bearing the Domino's logo, it would appear that some users of these outlets choose to disregard the generous allocation of litter bins by the Council. While these may afford Domino's Pizza some free advertising (the tab being picked up by the ratepayers to meet the cost of street cleansing) they are not only unpleasant on the pavement, but they blow into my front garden. Often people just stuff their fast food leavings into my front hedge.

Noise is another concern. Our quality of life is more than sufficiently affected by shouting - sometimes fighting - in the street late in the night by people frequenting public houses and fast food outlets. Our bedrooms are in the front of the house, and their noise can be very intrusive, particularly in the summer months of we want to leave the bedroom windows open. I think it reasonable to conclude that the problem will only become worse if the opening hours are extended, with cars pulling in and driving away, doors slamming and people talking and shouting to one another.

I hope that you will decide not to grant these extended opening hours for the sake of the residents and to help Chippenham to retain its reputation for being a civilised and welcoming environment.

Yours faithfully

[REDACTED]
Dr Henry Tegner

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RECEIVED

21 MAR 2011
201102445
ENVIRONMENTAL
HEALTH

Wiltshire Council

Where everybody matters

REPRESENTATION FORM

This form must be returned within the statutory period, which is 28 days from the date the notice was displayed on the premises or the date specified in the Public Notice in the newspaper. Please contact the Licensing Section to confirm this date.

In the Licensing Act 2003, the term 'vicinity' is used with particular reference to those 'interested parties' who may lodge Representations to applications for Premises Licences and who may make Representations concerning existing Premises Licences. Although the Act does not define the term 'vicinity' it does define the term an 'interested party' as 'a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity, a body representing those persons' or a member of the relevant Licensing Authority (ie. elected Councillor)

Premises about which Representation is being made	DOMINOS PIZZA, NEW ROAD, CHIPPENHAM	
Your Name	CHRIS CASWILL	
Postal Address	19 THE STREET CHERRHILL WILTS SN11 8XP	
Contact Telephone Number	01249 822088	
Are you:	Yes	No
• A person who lives in the vicinity?		X
• A person who operates a business in the vicinity?		X
• A person representing residents or businesses in the vicinity?		X
• A member of the Relevant Licensing Authority (ie. elected Councillor of the Licensing Authority in which the premises is situated)?	✓	
If you are representing residents or businesses in the vicinity please list those residents or businesses who have asked you to represent them		

Your Representation must relate to one of the four Licensing Objectives, which are detailed below. Please detail the evidence supporting your Representation and the reason for your Representation. If necessary, separate sheets may be used.

OBJECTIVES	EVIDENCE
1. The prevention of harm to children	
2. To prevent public nuisance	This late night licence will bring people sitting from the night clubs in a crowd Station Hill who was part of New Pol, causing great nuisance to residents & businesses in the area.

OBJECTIVES	EVIDENCE
3. To prevent crime and disorder	Drinking in people who have been drinking late in the evening will inevitably lead to vandalism of local premises and anti social behaviour
4. Public Safety	

Please list below any suggested actions that you feel the applicant could take to address your concerns.

Close at midnight •
 Restrict business deliveries between 11 and midnight

If a hearing needs to be held to determine the Premises Licence Application, the Councillors will generally only be able to consider matters that have previously been disclosed. However, additional information in support of your Representation may be considered if all parties at the Hearing agree. We advise that you detail all matters that you wish to be considered on this initial Representation, attaching additional sheets if necessary.

If you do make a Representation you will be invited to attend the Licensing Sub-Committee Hearings and any subsequent appeal proceedings relevant to your Representation.

All Representations in their entirety, including your name and address, will be disclosed to the Premises Licence applicant.

Signature

Date 21/3/11

Please return this form, along with any additional sheets, to the Licensing Officer at the Wiltshire Council Office covering the area in which the licensed premises are situated (see below):

Chippenham: Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER
Devizes: Wiltshire Council, Browfort, Bath Road, Devizes, Wiltshire, SN10 2AT
Salisbury: Wiltshire Council, 27/29 Milford Street, Salisbury, SP1 2AP
Trowbridge: Wiltshire Council, Bradley Road, Trowbridge, Wiltshire, BA14 0RD

New Road
Chippenham
Wilts
SN15 1HL
Ref:- Dominos Pizza Late Opening



Dear Sir/ Madam.

I would like to raise my objections to the request by Dominos Pizza to stay open till 5am for the reasons listed below.

- 1 This would encourage people coming from clubs etc to use this road in the early hours which would then subject us to more noise from pedestrians and cars, and would increase the amount of rubbish which can be left behind.
2. As there are another three take aways plus a restaurant that does take aways in a very short distance of Dominos, surely if this extension of opening hours is granted this will set a precedent for the other take aways to apply for extensions, thus disrupting us even more.

I am yours faithfully


J Marsh

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Copy of Email received from applicant:

From: Claire Allen [mailto:Claire@themsggroup.com]
Sent: 23 March 2011 11:33
To: Holland, Linda
Subject: RE: Dominos Pizza Chippenham - Further Representation

Hi Linda

Please can you amend our variation to read as below.

Kind regards,

Claire Allen



Tel 01276 401881
Fax 01276 66481

From: Claire Allen
Sent: 14 March 2011 10:58
To: 'Holland, Linda'
Subject: RE: Dominos Pizza Chippenham - Further Representation

Hi Linda

Thank you, I have sent this to our Solicitor.

Re the meeting with the Police on Friday, they agreed to withdraw on the condition that we would only allow counter service till 2am and then we could deliver until 5am. They have asked for a condition to be put in place that we would only deliver to place of business or customers residence.

Kind regards,

Claire Allen



Tel 01276 401881
Fax 01276 66481

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Agenda Item 5f

(Date)

(Name)

(Address)

Public Protection Services
Licensing Team
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

DX 34208 CHIPPENHAM

Our ref: WK/201001998

Dear (Name)

**Re: Licensing Act 2003 - Variation Application
Dominos Pizza, 16/17 New Road, Chippenham, Wiltshire, SN15 2DL**

I write following receipt of your Representation regarding the Variation Application for the above premises.

The applicants have considered concerns raised regarding their application and have offered to amend their application as follows:

- To allow counter service until 2am and delivery only service until 5am (deliveries to business or customer residences only)

Can you consider the new proposal from the applicant and, if you feel this addresses your concerns, please indicate on the attached sheet if you wish to continue with your Representation and return to the above address.

If you still wish to continue with your Representation a Hearing will be called in due course to consider the application as it was originally served. You will be advised of the date and time and invited to attend to make your Representation in person, should you wish to.

I look forward to hearing from you in due course.

Yours sincerely

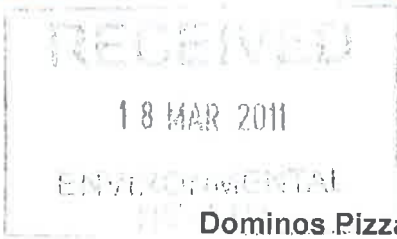
Linda Holland
Senior Licensing Officer
Tel. 01249 706410
Fax. 01249 444650
Email. publicprotectionnorth@wiltshire.gov.uk

**Licensing Act 2003
Variation Application
Dominos Pizza, 16/17 New Road, Chippenham, Wiltshire, SN15 2DL
WK/201102445**

I agree the amendment to the above application will address my concerns and no longer wish to continue with my Representation.

I wish to continue with my Representation as I do not feel the new proposals address my concerns

Name	
Address	
Telephone Number	
Signed
Dated



Licensing Act 2003
 Variation Application
 Dominos Pizza, 16/17 New Road, Chippenham, Wiltshire, SN15 2DL
 WK/201102445

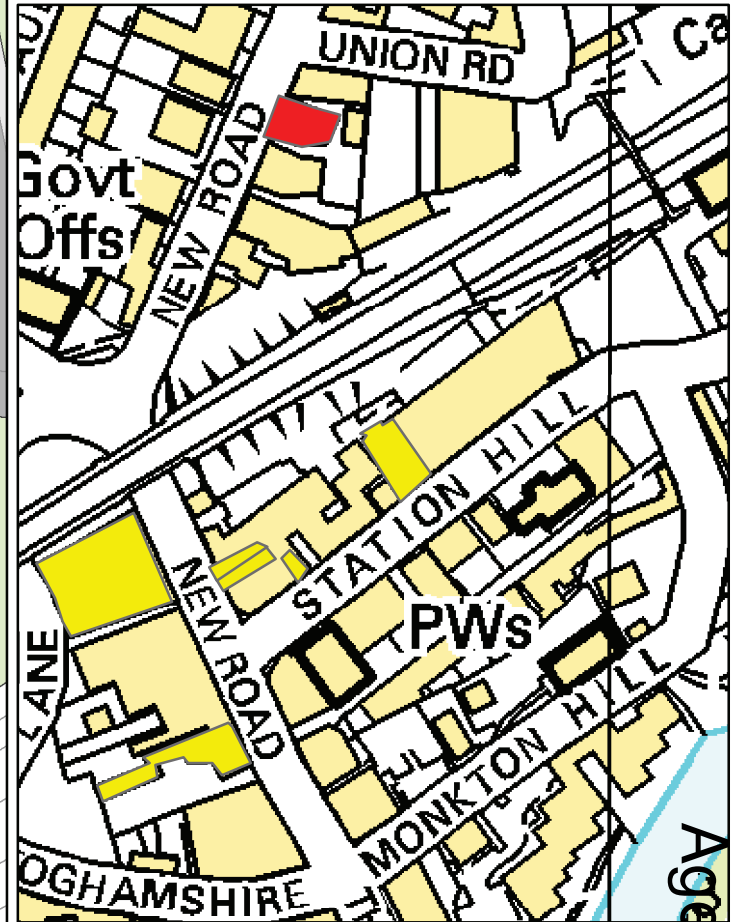
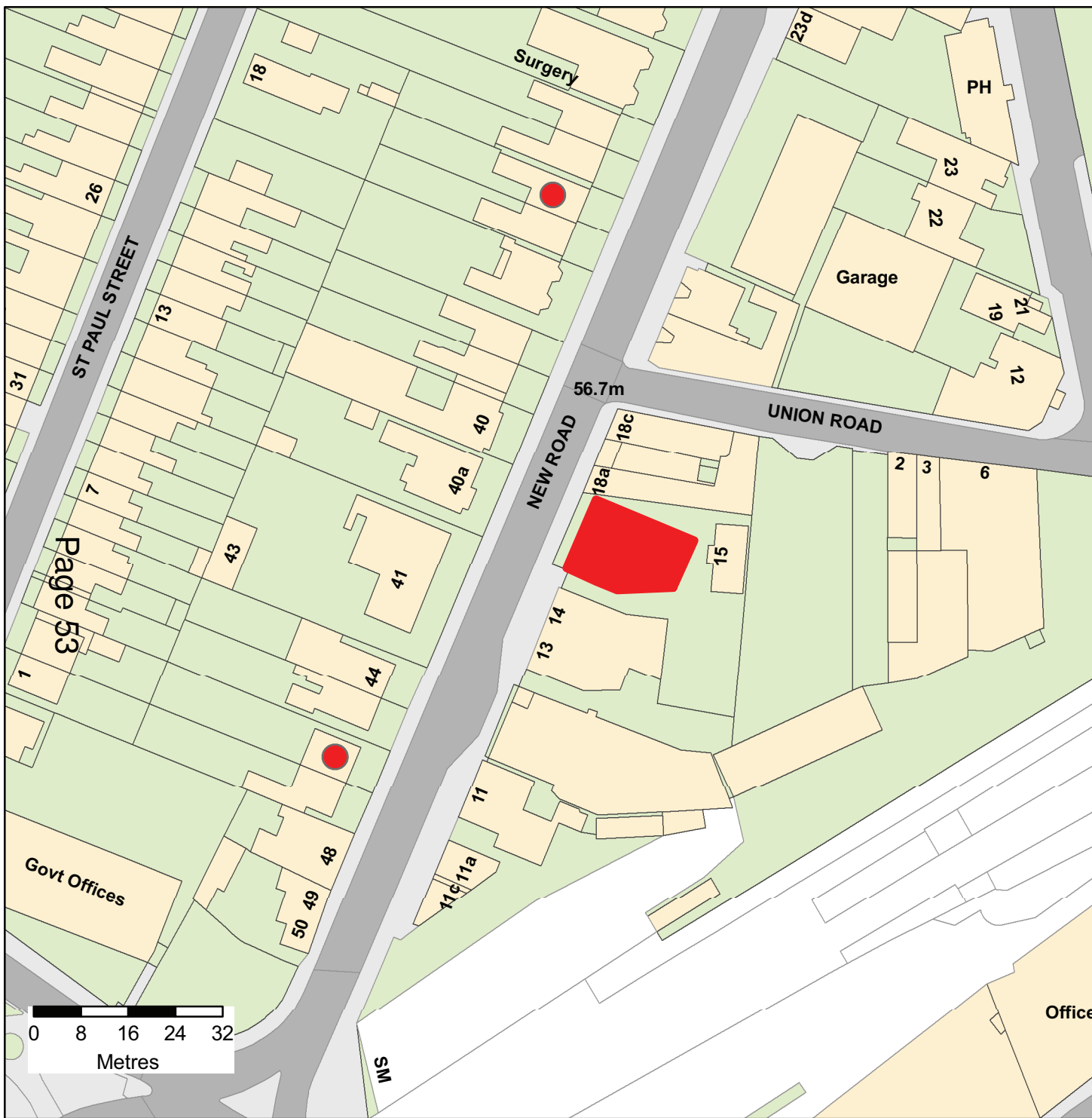
I agree the amendment to the above application will address my concerns and no longer wish to continue with my Representation.

I wish to continue with my Representation as I do not feel the new proposals address my concerns

Name	DR H TEGNER
Address	NEW RD SN15 1HP
Telephone Number	01249 447 833
Signed
Dated	16.3.2011

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**Dominos Pizza
Variation Application
16-17 New Road, Chippenham
Ref LN/003328**



- Dominos Pizza
- Other Licenced Premises
- Representations

Agenda Item 5h

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