

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 7 APRIL 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT DOMINO'S PIZZA, 16-17 NEW ROAD, CHIPPENHAM, WILTSHIRE SN15 1HJ.

Present:

Cllr Desna Allen, Cllr Mark Griffiths and Cllr Jon Hubbard

Also Present:

Cllr Chris Caswill, Linda Holland (Licensing Officer), Paul Taylor (Solicitor) and Chris Marsh (Democratic Services Officer)

7. **Election of Chairman**

Nominations for a Chairman of the Licensing Sub-Committee were sought and it was

Resolved:

To elect Councillor Jon Hubbard as Chairman for this meeting only.

8. **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 6 of the Agenda refers).

9. **Chairman's Announcements**

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

10. **Declarations of Interest**

There were no interests declared.

11. Licensing Application

Application by MSG Sandhurst Ltd for a Variation of a Premises Licence at Domino's Pizza, 16-17 New Road, Chippenham, Wiltshire SN15 1HJ.

The Senior Licensing Officer, Linda Holland, introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by Jonathan Smith, Solicitor acting on behalf of the Applicant were:

- Scope and reasoning of the variation as applied for;
- Conditions proposed by the Applicant, and withdrawal of the objection raised by Wiltshire Police subject to these;
- Consultation with Police and Wiltshire Council officers to mitigate impacts of application if granted;
- No objections to application received from Environmental Health team;
- Layout and facilities of the premises, with a substantial car park to the rear of the premises to support delivery service;
- Delivery service-led nature of the business, accounting for 65%, with relatively limited evening visits to the takeaway itself by customers;
- Property to the rear of premises is also owned by Applicant, limiting public disturbance resultant of the premises' operation;
- Proposed condition to limit pizza delivery to home or business addresses only, to limit customer footfall around premises late at night;
- Business has comprehensive safety and security standards, as detailed in the Applicant's submission;
- Business performs well in national branded litter survey, and staff perform litter sweeps around the premises; and
- Price of average product distinguishes business' function from other late night takeaway services in Chippenham, with later license having potential wider impact on local uptake of fast food that has caused licensing problems in Chippenham in the past.

The Interested Party, Cllr Chris Caswill, was given the opportunity to ask questions of the Applicant and Wiltshire Council Officers. An objection was raised in regard to the Applicant's reference to supporting material submitted late, on 4 April 2011, in respect of the application.

In light of the comments made, the Chairman adjourned the meeting at 2.05pm for a fifteen-minute recess in which the Sub-Committee would seek advice from the Solicitor for Wiltshire Council and consider how to proceed with the meeting.

The Sub-Committee reconvened at 2.20 pm.

The Solicitor for the Council provided a summary of the material legal advice provided to the Sub-Committee and presented the following three options as to how the Sub-Committee could proceed:

- To continue with the meeting with all available information;
- To exclude the information submitted late by the Applicant; or
- To adjourn the hearing so that the Interested Party should have sufficient time in which to consider the information.

The Chairman canvassed the views of the Applicant and Interested Party in respect of the above three options. The Applicant offered to withdraw their late information, with the exception of that which they could refer to as material fact, and proceed with either the first or second option. The Interested Party spoke to defer the conclusion of the meeting as per the third option, in order that the late material could be considered fully by all parties.

A debate ensued in which the Sub Committee discussed the representations made and the options available to it. After receiving further legal advice from the Solicitor for the Council, it was,

Resolved:

That the meeting of the Northern Area Licensing Sub-Committee be adjourned to enable all parties to consider fully the late material submitted by the Applicant, in the interests of fairness.

That the meeting reconvenes on Monday 18 April 2011 to determine the application; with the same parties present and the same material available for consideration, including the late information submitted by the Applicant on 4 April 2011.

(Duration of meeting: 1.30 - 2.40 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line 01225 713 597, e-mail chris.marsh@wiltshire.gov.uk

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