

Application for a grant of a Premises Licence : Just Pizza Plus, 206A Field End Road, Eastcote, HA5 1RD

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer, Licensing Officer
Papers with report	Appendix 1 - Application Form Appendix 2 - Representations Appendix 3 - Map of the area Appendix 4 – Photos
Ward name	Eastcote & East Ruislip

1.0 SUMMARY

To determine an application for a Premises Licence in respect of Just Pizza Plus, 206A Field End Road, Eastcote, HA5 1RD. This follows representations from Local Ward Councillors. A copy of the application is included as **Appendix 1**.

2.0 RECOMMENDATION

That the Licensing Sub-Committee not grant the application that has been applied for. The reason for the refusal is based on the representations from Lois King as Responsible Authority, and Local Ward Councillors.

3.0 APPLICATION

The application for a premises licence has been applied for by Mr Sheayar Khan, 206A Field End Road, Eastcote, HA5 1RD.

The application is for Late Night Refreshment to enable the provision of hot food and drink above the ambient temperature after 23:00.

3.1 Type of application applied for

New Premises Licence.

3.2 Description of the Premises

Just Pizza Plus is a take away shop situated on Field End Road. The premises offers a take away service of pizzas, snacks and soft drinks. The premises has a waiting area for customers to wait and collect orders. Customers can also utilise home delivery via digital applications.

3.3 Licensable Activity

<u>Activity</u>		<u>Proposed for new licence</u>
Late night refreshment	Off the premises	✓

3.4 Proposed Licensable Activity & Opening Hours

	Late night refreshment
Monday	23:00 - 03:00
Tuesday	23:00 - 03:00
Wednesday	23:00 - 03:00
Thursday	23:00 - 03:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 03:00

4.0 CONSULTATION

4.1 Closing date for representations

28th October 2020.

6.0 BACKGROUND INFORMATION

6.1 The premises was previously known as Perfect Pizza which did not hold a licence.

6.2 Other relevant licensed premises nearby

Premises	Activities Authorised	Times Authorised
Village Pizza 214 Field End Road, Eastcote, HA5 1RD	Late night refreshment	Late Night Refreshment Sunday to Thursday between 23.00 to 00.30 Friday to Saturday from 23.00 to 02.00
Champers Wine Bar 184 Field End Road	The sale by retail of alcohol The provision of regulated entertainment The provision of late night refreshment	Sale of alcohol Sunday to Thursday between 10.00 hours and 00.00 hours On Fridays and Saturdays between 10.00 hours and 01.30 hours the following day Regulated Entertainment Sunday to Thursday between 10.00 hours and 00.00 hours

		On Fridays and Saturdays between 10.00 hours and 01.30 hours the following day Late Night Refreshment Sunday to Thursday between 23.00 and 00.30 the following day Friday and Saturday between 23.00 and 02.00 the following day
Captain Morgans 210 Field End Road	The sale by retail of alcohol The provision of regulated entertainment	Sale of alcohol Monday to Sunday between 11.00 and 23.00 hours Regulated Entertainment Monday to Sunday between 11.00 and 23.00 hours
Yaprak Restaurant 180 Field End Road	The sale of alcohol by retail Provision of late night refreshment	Sale of alcohol Monday to Saturday between 10.00 and 00.00 hours. Sunday between 12:00 – 23:30

6.3 Map of the area

Appendix 3.

6.4 Visits made by Local Authority Licensing Officers

On Saturday 24th October 2020 a visit was made to the premises. At the time of the visit no customers were present and the area was quiet. Photos was taken of the premises.

Appendix 4

7.0 OFFICER'S OBSERVATIONS

7.1 Observations

The representations received by Ward Councillors are based on a series of complaints received by the council.

Public Nuisance

Cllr Edwards has highlighted the issues raised by residents via the Members' Enquiry system. Residents have been disturbed by noise as a result of the operating practices. Upon investigation by the Anti-Social Behaviour Team the premises have been found to be operating past permitted hours.

Cllr Haggar concurs with Cllr Edwards' concerns over the premises not being able to uphold the public nuisance objective.

Lois King raises the similar concerns over the management of the premises over recent months. Since the application has been out to consultation the premises have operated without causing a nuisance. The applicant has not come forward with reasons for the authority to believe Mr Khan can uphold the licensing objectives.

8.0 **RELEVANT SECTIONS of the S182 GUIDANCE and LICENSING POLICY**

Classification: Public

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8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached Revised Guidance issued under section 182 of the Licensing Act 2003 I 57 to premises licences with the minimum of fuss

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to: Revised Guidance issued under section 182 of the Licensing Act 2003

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

Relevant Sections of the Hillingdon Licensing Policy

2.5 In respect of all licensing functions and determination of any licensing policy, the Council has a duty to promote the four licensing objectives:

- The prevention of crime and disorder;
- The protection of children from harm;
- The prevention of public nuisance;
- Public safety.

9.1 Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues.

9.7 Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective

10.0 LEGAL CONSIDERATIONS

LEGAL COMMENTS

1. When considering an application for a grant of a new Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:
 - Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - Protection of children from harm
2. Members should note that each objective is of equal importance. There are no other licencing objectives and the four objectives are paramount considerations at all times.

3. An application for a new premises licence may be made pursuant to s.16 and s.17 of the Act, and with regard to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/42 and the licensing Act 2003 (Fees) Regulations 2005/79.
4. The Sub-Committee must ensure that all licensing decisions:
 - Have a direct relationship to the promotion of one or more of the four licensing objectives
 - Have regard to the Council's statement of licensing policy
 - Have regard to the Secretary of State guidance
 - Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded
5. Where relevant representations are made, the Licensing Authority must hold a hearing to determine the application, unless all are agreed that such a hearing is unnecessary s.18(3)(a) Licensing Act 2003.
6. Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licencing authority, frivolous or vexatious s.18(7) Licensing Act 2003.
7. The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live within the vicinity of the premises. All applications will be decided on a case by case basis.
8. Following a hearing, the Sub-Committee must consider all relevant representations, and having taken into account the promotion of the licensing objectives, under s.18(3)(b) and (4) Licensing Act 2003, a decision can be taken:-
 - i. To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
 - ii. To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
 - iii. To exclude any of the licensable activities to which the application relates;
 - iv. To amend the times for all or some of the licensable activities;
 - v. To refuse to specify a person in the licence as the premises supervisor;
 - vi. To reject the application.
9. Conditions will not be necessary if they duplicate a current statutory requirement. The licencing Authority may therefore only impose such conditions that are necessary to promote the licensing objectives arising out of the consideration of the representations.
10. If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.
11. The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under s.149 of the Equality Act 2010. In summary s.149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:
 - i. Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - iii. Foster good relations between persons who share relevant protected characteristics and persons who do not.

12. Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics examples are; race, sex, age, disability, gender reassignment and religious beliefs.
13. Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.
14. Interested parties, Responsible Authorities and the Applicant have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.