

Memorandum

To: **From** : **Environmental Officer**
c.c **Contact** : Karl martin
c.c. **Ext** : 01803 208025
c.c **My Ref** : **SR No: 198452 4PC (Form 150)**
For the attention of: **Your Ref** :
Steve Cox, Licensing Manager **Date** : 5th February 2014

Subject: Premises – Licensing Act 2003

Premises Name & Address: Dominos Pizza, 114 St Marychurch Road, Torquay, Devon, TQ1 3HW

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of nuisance

I wish to object to the above named application as I do not believe the application supports the licensing objective 'Prevention of Public Nuisance'.

This is an application to extend an existing Late night authorisation from midnight until 3:00am. Due to the proximity and density of residential accommodation this site can be regarded as a residential area, please see Figure 1 & 1(a). Torbay Councils Licensing Policy leans towards refusing an application beyond 11pm in a residential area unless remedial measures can be demonstrated:-

'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.' **Licensing Statement of Principles, Torbay Council, 2011, p37-38.**

I accept the existing licence complies with the criteria but in my professional view this is not case if the premises operates beyond midnight. The main concerns are the potential of customers to loiter in the area and general noise associated with the operation of a late night take away.

The authority has recently received one complaint from a nearby resident. The complaint had three aspects to it. Firstly the rear door used by delivery drivers would bang against the door frame every

time it was used. Secondly staff congregating at the rear of the premises for the purposes of smoking and lastly noise associated with waste disposal, again at the rear of the premises. These issues have now been addressed by management.

To offer reassurance to local residents and the licensing committee I would respectfully urge members to consider the following potential actions:

1. Refuse the application on the grounds the application does not promote the licensing objective 'The prevention of public nuisance' in accordance with Licensing statement of principles.

Alternatively:-

Address my concerns by way of amendments to existing conditions and adding further conditions as detailed below.

1. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. Patrons shall be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
3. Deliveries of food and other materials necessary for the operation of the business must be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
4. The manager must ensure that staff who depart after midnight and especially when the business ceases trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
5. Deliveries (other than customer delivers) and movement of bins and rubbish activities shall not take place outside of the area between 23 00 hours - 07.00 hours.
6. Staff on rest/smoking breaks shall only use the pavement area on Westhill Avenue after 9p.m. and no more than one person at a time. Maximum of two staff if staff safety concerns arise.
7. Regularly inspection and maintenance of the rear door used by delivery drivers to ensure the doors does not become a source of noise nuisance.
8. Vehicles used by delivery drivers must parked at Waitrose car park or other suitable locations away from residential accommodation.
9. Remove existing annex 3 condition:-

'4. The movement of bins and rubbish outside the premises shall be kept to a minimum after 11.00pm. This shall help to reduce the levels of noise produced by the premises.'

Mr Karl Martin
Public Protection Officer

Figure 1 – Map of immediate area, residential accommodation highlighted as shown.

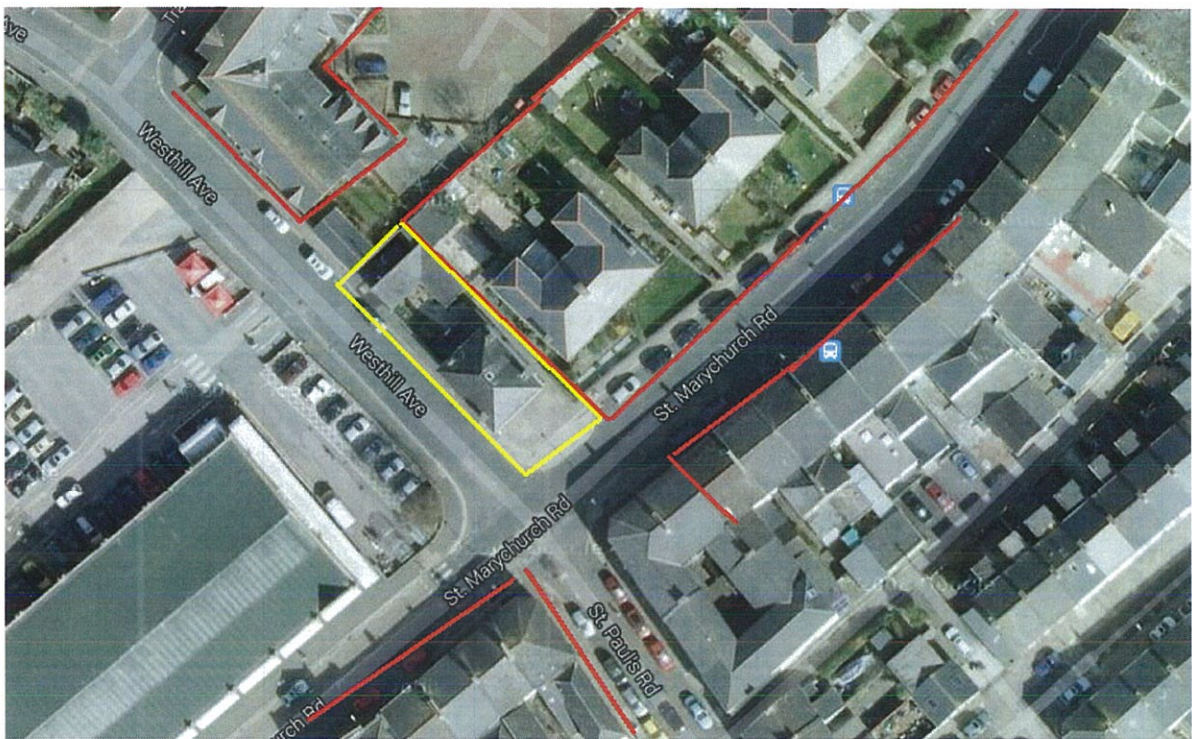


Figure 1a – Street view, front of premises

