

CITY OF PLYMOUTH

Subject: Pizza Hut, 642 Wolseley Road, St Budeaux, Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 9 August 2011

Cabinet Member: Councillor Michael Leaves

CMT Member: Director for Community Services

Author: Peter Clemens

Contact: Tel: 01752 305465
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Ref: ERS/LIC/PREM

Key Decision: No

Part: 1

Executive Summary:

An application has been received from Capital Range Ltd in respect of the Pizza Hut 642 Wolseley Road, St Budeaux, Plymouth for the grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2011- 2014:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
 2. Improving culture and leisure activities.
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Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

Other Implications: e.g. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment etc.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.
Licensing Act 2003.
Guidance issued under Section 182 Licensing Act 2003.
Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg	SD/15.7.11/12333	Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 17 June 2011 the licensing department received an application from Capital Range Ltd for the grant of a premises licence under Section 17 of the Licensing Act 2003 in respect of the Pizza Hut situated at 642 Wolsley Road, St Budeaux, Plymouth.

1.2 Grant application.

A pizza collection and delivery service operating on the ground floor of the premises.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

<u>Late Night Refreshment (Indoors)</u>	
Mon to Sat	23.00hrs to Midnight
<u>Hours Premises Open to the Public</u>	
Mon to Sat	10.00hrs to Midnight
Sun	10.00hrs to 23.00hrs

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 Environmental Health – have made representation relating to the Prevention of Public Nuisance (Appendix 1)

2.2 *Devon & Cornwall Police* – no representations.

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

No representations have been received from residents living within the vicinity of the premises.

4.0 CONSIDERATIONS

- 4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Memorandum



From: Head of Public Protection Service
To: HEAD OF LICENSING SECTION
FAO: PETE CLEMENS
Date: 6th July 2011
Our Ref: EH/CH/802756
Investigating Officer: Christine Hollis
Extn: 4846

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION

Premises: Pizza Hut
Name of Licensee: William Wright (Capitalrange Ltd)
Type of Application: Alcohol (On/Off/Both)/Entertainment Licence/Late Night Refreshment
Report Prepared By: Christine Hollis

Recommendations

1. ~~That this department has no comments regarding the Application.~~
2. This department would like to make the following representation;

LICENSING ACT 2003
ENVIRONMENTAL HEALTH REPRESENTATION
Name: Pizza Hut
Address: 642 Wolseley Road, St Budeaux, Plymouth

Report By: Christine Hollis

Date of Inspection: N/A

Public Nuisance

The Public Protection Service recommends refusal of the application for;

1. Late night refreshment between the hours of 23.00hrs and 24.00hrs Monday to Saturday incl.

Licensing Act 2003
Supporting Information for Committee Hearing following the
Public Protection Service Representation

Premises Name: Pizza Hut, 642 Wolseley Road, St Budeaux, Plymouth

The text in italics is for information.

This department has made representation based on the following information;

1. The premise is situated in a residential area, with residential properties above, adjacent and behind it.
2. There is a history of late night noise disturbance to local residents in the area from a similar existing establishment. This premise is likely to cause similar late night noise disturbance if trading after 23.00hrs.
3. The garage from which there is a proposed vehicular pizza delivery service is located at the rear of the unit in Trelawney Avenue where any late night vehicular movement is likely to disturb the residents in this street.
4. The mechanical extract ventilation system that must be in operation throughout the trading period has the potential to be a source of noise disturbance to local residents and should therefore not be operated after 23.00hrs.
5. Late night access to the rear yard and bin storage area has the potential to be a source of noise disturbance to local residents.

For further background information, a planning condition is in place on these premises, which states;

OPENING HOURS

(2) The A5 use hereby permitted shall not be open to customers, nor shall deliveries take place from the premises, outside the following times: 08.00 until 23.00 hours Mondays to Saturdays inclusive and 12.00 until 22.30 hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007