

DECISION RECORD OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON WEDNESDAY, 29 MARCH 2023 AT 14:00

Present

Councillor M Lewis – Chairperson

S J Bletsoe

J E Pratt

Apologies for Absence

None

Officers:

Kirsty Evans

Senior Licensing Officer

Mark Galvin

Senior Democratic Services Officer - Committees

Michael Pitman

Technical Support Officer – Democratic Services

Andrea Lee

Legal Officer

Nasir Jarjis

Applicant

Walaiti Rathore

Applicant's Legal Representative

Title of Report	Declarations of Interest
Decision Made	There were no declarations of interest
Date Decision Made	29 March 2023

Personal or Prejudicial Interests Disclosed	None
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Title of Report	Approval of Minutes
Decision Made	It was agreed following the advice of the Legal Officer, that the approval of the minutes of the Licensing Act 2003 Sub-Committee A dated 18 March 2022, be deferred to a future meeting.
Date Decision Made	29 March 2023
Personal or Prejudicial Interests Disclosed	None

Title of Report	Licensing Act 2003 - Application to Vary a Premises Licence Under Section 34
Decision Made	<p>The Licensing Sub-Committee considered the application from Axa Trading Limited to vary a premises licence for Domino's at unit 1 Somerfield Site, Bridgend, CF31 1TZ.</p> <p>The application requested the following:</p> <p>Description of the nature of the variation (as stated by applicant):</p> <p>"Modify the following condition 1 under Annex 2, The Prevention of Public Nuisance:</p> <ul style="list-style-type: none"> <li>• The counter service open to the general public will only be available until 01:00 hours, Monday to Sunday. Thereafter, no public access will be permitted for Late Night Refreshment via the delivery service.</li> </ul> <p>To read as follows:</p> <ul style="list-style-type: none"> <li>• The premises shall remain closed to the public between 01:00 to 03:00 hours expect to allow delivery service and for access to authorised persons.</li> </ul>

Remove the following conditions under Annex 3:

- No delivery vehicles will be mopeds
- All drivers will have a label in their cars stating “do not slam car doors rev engines or play loud music”.
- No more than 2 delivery vehicles will be used after 23:00 hours

All other terms and conditions of the premises licence are to stay the same; no other changes.”

The premises has the benefit of a premises licence; BCBCLP565 which authorises the following licensable activities during the hours stated:

Provision of Late-Night Refreshment

Monday to Sunday: 23:00 hours to 03:00 hours

The Licence was granted in 2011

The Sub Committee considered the report from the Licensing Officer. The Appellant through their legal representation made representations to the Committee to include the following:-

1. The objector in this matter has made continual complaints about the applicants over several years, always to the Council and never to the applicant. This amounted to harassment. The Applicant investigates all complaints made against their businesses and they are a large business enterprise and if the complaints were made directly to them, then they would have investigated them without having to involve the Council.
2. The Environmental Health Department of the Council who are the responsible Authority who deals with noise nuisance have made no objections in relation to this application, so they do not have concerns about the same.
3. The Police have made no representations about the application again demonstrating they also do not have any concerns.

The Sub- Committee found that on the balance of probabilities there does not appear to be a problem with noise nuisance at the premises, as both the Police and the Environment Health have not made any representations in this matter. In addition, the Sub- Committee found that the since the time that the original licence was granted, circumstances have changed for the fast-food industry, food is no longer ordered only over the telephone. Orders are completed through apps with many different companies. The

	<p>Sub-committee found that it was no longer appropriate or workable to insist that all drivers have labels in their vehicles stating, "do not slam car doors rev engines or play loud music". The Applicant has no control over the delivery vehicles of other companies, and as such the condition has now become unworkable. Likewise, the condition limiting the number of vehicles to two after 23hrs, and the condition in relation to mopeds, again the Sub-Committee have also found that these conditions are also unworkable for the same reasons.</p> <p>The Sub-Committee in light of the above information, granted the application.</p>
Date Decision Made	29 March 2023
Personal or Prejudicial Interests Disclosed	None