

LICENSING ACT 2003 SUB-COMMITTEE (A) - WEDNESDAY, 29 MARCH 2023

MINUTES 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

Officers:

Kirsty Evans	Senior Licensing Officer
Mark Galvin	Senior Democratic Services Officer - Committees
Michael Pitman	Technical Support Officer – Democratic Services
Yvonne Witchell	Team Manager Licensing

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. APPROVAL OF MINUTES

RESOLVED: Members agreed to defer the approval of the minutes of a meeting of the Licensing Act 2003 Sub-Committee dated 18 March 2022, to a future meeting, upon the advice of the Legal officer

3. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34

The Licensing Policy Officer presented a report, the purpose of which, was to determine an application received from Axa Trading Limited to vary the premises licence in force at Domino's, Unit 1 Somerfield Site, Tremains Road, Bridgend, CF31 1TZ.

She advised that 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

A copy of the current premises licence was attached at Appendix A to the report.

The Licensing Policy Officer confirmed, that the Licensing Authority had received an application to vary the premises licence. The application was attached at Appendix B of the report.

Paragraph 4.2 of the report contained details of the variation of the application as submitted by the applicant.

She explained that the applicant details no additional measures to promote the licensing objectives and states in the application "these premises are already licensed with sufficient robust set of conditions which will remain on the premises licence after the modification of the conditions."

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The Licensing Authority had received one representation during the consultation period from a local resident. A copy of the representation can be found in Appendix C to the report.

As a relevant representation to the variation had been received, the Sub-Committee must determine the application in accordance with the Licensing Act 2003.

Finally, the Licensing Policy Officer asked all those present in the meeting to note, that additional information had been received from the applicant after the agenda and accompanying papers had been dispatched, which had been sent to all parties by email.

The applicant's representative then gave a resume of the application as detailed in the report, following which Members asked a number of questions, to which he responded to.

Members then retired to consider the application further, following which the Sub-Committee,

RESOLVED: 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.

The application requested the following:

Description of the nature of the variation (as stated by applicant):

"Modify the following condition 1 under Annex 2, The Prevention of Public Nuisance:

- 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.

To read as follows:

- 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.

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

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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 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.

The Sub-Committee in light of the above information, granted the application.