

## **LICENSING HEARING PANEL**

**11 DECEMBER 2018**

### **LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE**

#### **TOPS PIZZA 40 LUTON ROAD CHATHAM ME4 5AA**

Report from: Perry Holmes, Chief Legal Officer

Author: Lisa Hopson, Licensing Officer

#### **Summary**

The applicant has applied for a new Premises Licence in respect of Tops Pizza 40 Luton Road Chatham, ME4 5AA.

All responsible authorities have been consulted in line with the Licensing Act.

Representations have been received from a member of the public, the Police, Public Health, Licensing Enforcement, Planning and a Ward Councillor. No agreements have been reached.

#### **1. Budget and Policy Framework**

- 1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003.

#### **2. The application**

- 2.1 In accordance with the Licensing Act 2003, the Council has received an application for a new Premises Licence in respect of Tops Pizza 40 Luton Road Chatham ME4 5AA.
- 2.2 The details of the application requirements are as follows:

#### Late Night refreshment (on and off the premises)

Monday to Thursday	23:00 – 02:00
Friday and Saturday	23:00 – 03:00
Sunday	23:00 – 00:00

- 2.3 A copy of the original application as submitted is at Appendix A. Amendments to the operating schedule is at Appendix B.
- 2.4 The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
- 2.5 A copy of a map showing the location of the premises is at Appendix C.

### **3. Promotion of Licensing Objectives**

- 3.1 The applicant is expected to demonstrate that they have dealt with and understand the promotion of the four licensing objectives, where appropriate. Members are referred to section M of the application at Appendix A.
- 3.2 The four licensing objectives are:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

### **4. Relevant Representations**

- 4.1 This matter has been put to the Licensing Hearing Panel because the Council has received representations relating to all four of the licensing objectives from the Police, Public Health, Planning, Licensing Enforcement, a Ward Councillor and a member of the public. Copies of these are attached at Appendix D. To date no agreement has been reached.

### **5. Policy Considerations**

- 5.1 Medway Council has published its Statement of Licensing Policy, which it will consider alongside the amended Guidance issued by the Home Office under section 182 of the Licensing Act 2003 in all applications.
- 5.2 In determining this application, Members may wish to consider information contained in Appendix 7 to the Statement of Licensing Policy that lists examples of good practice against the four licensing objectives as well as Chapters 9 and 10 of the amended Guidance.

### **6. Risk Management**

- 6.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, the Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

## **7. Financial and legal implications**

- 7.1 There are no direct financial or legal implications at this time.
- 7.2 This hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 7.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objectors should either have the requisite grounds to do so. Legal advice will be given to Members as appropriate at the meeting. However, whatever the decision of the Panel, this must be based on the evidence placed before it in line with the licensing objectives and the Panel must decide what weight to attribute to this information.

## **8. Recommendation**

- 8.1 That the Licensing Hearing Panel, having regard to the Licensing Act 2003, the statutory guidance issued under S182, the Council's Statement of Licensing Policy and all matters before it, both written and oral, considers and determines this application for a premises licence .

### **Lead officer contact:**

Mrs Lisa Hopson – Licensing Officer

Telephone: 01634 331925 Email: [lisa.hopson@medway.gov.uk](mailto:lisa.hopson@medway.gov.uk)

### **Appendices**

Appendix A – Application for new Premises Licence

Appendix B – Amendment to the operating schedule

Appendix C – Local Plan

Appendix D – Copies of representations received

### **Background papers**

None



**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

before completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Ali Morad Yazdi-Nodouchani

D.O.B 24/03/1959

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
Tops, Pizza, 40 Luton Road,			
<b>Post town</b>	Chatham	<b>Postcode</b>	ME4 5AA

Telephone number at premises (if any)	01892 557 755
Non-domestic rateable value of premises	£5,600

**Part 2 – Applicant details**

Please state whether you are applying for a premises licence as      Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a statutory function or ☐
- a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Nodouchani			First names Ali Morad Yazdi		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Nationality British					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period,  
when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)  
**A franchise take away (Tops Pizza)**

If 5,000 or more people are expected to attend the premises at any  
one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that  
apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I)

☒



Supply of alcohol (if ticking yes, fill in box J)

☐

**In all cases complete boxes K, L and M**

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)	
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sun				

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					



## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)	
Wed				
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)	
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sun				

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	02:00	<b><u>Please give further details here</u></b> (please read guidance note 4) Please Note:		
Tue	23:00	02:00			
Wed	23:00	02:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thu	23:00	02:00			
Fri	23:00	03:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	23:00	03:00			
Sun	23:00	00:00			

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

☐ ☐ ☐ ☐

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	02:00	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)</p>
Tue	11:00	02:00	
Wed	11:00	02:00	
Thu	11:00	02:00	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	00:00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

It will be ensured that all four licensing objectives will be promoted as detailed in each section below:

- Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.
- Part A (the full Premises Licence) either the original or a certified copy should be retained at the premises for production to an authorised person.
- Part B (the summary of the Premises Licence) should be prominently displayed at the venue where it can be easily read by anyone wishing to do so. Please note that both pages of the summary should be visible
- Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
- Drivers shall wait inside the premises between deliveries/for deliveries.
- A notice shall be displayed by the front door stating the restaurant opening hours.
- Home deliveries shall only be carried out by in-house employees of the business
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**b) The prevention of crime and disorder**

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- Liaising with the local police.
- Prominent signage indicating the permitted hours for the late night refreshment shall be displayed so as to be visible before entering the premises.
- Adequate lighting provided inside and outside the premises.
- Abide by the law.

**c) Public safety**

- To comply with all current, fire and health and safety legislation as required by the law.
- Health and safety risk assessments to be carried out regularly
- All employees will receive training on health and safety & food safety
- Staff to be trained in fire evacuation procedures
- Installation of appropriate and adequate safety equipment.

**d) The prevention of public nuisance**

- A notice will be displayed stating (No loitering) please leave quietly and respect neighbours.
- Deliveries of goods will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby businesses and residents. Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.
- Depositing of waste will be at times that minimise any nuisance to nearby neighbours.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No rubbish will be moved, removed or placed outside between the hours of 23:00 and 08:00.
- Monitor anti-social behaviour through CCTV.
- An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police.

**e) The protection of children from harm**

Order is received over the phone by a person who sounds like they may be under 16 years old, staff member will ask to speak to a parent or responsible adult.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.

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- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	
Date	16/10/2018
Capacity	Agent

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Hilda Cameron Licensing & Qualifications Ltd Westminster Business Centre Printing House Lane			
Post town	Hayes	Postcode	UB3 1AP
Telephone number (if any)	0750222442		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) hilda@lqaa.co.uk			

#### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.



- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations

2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

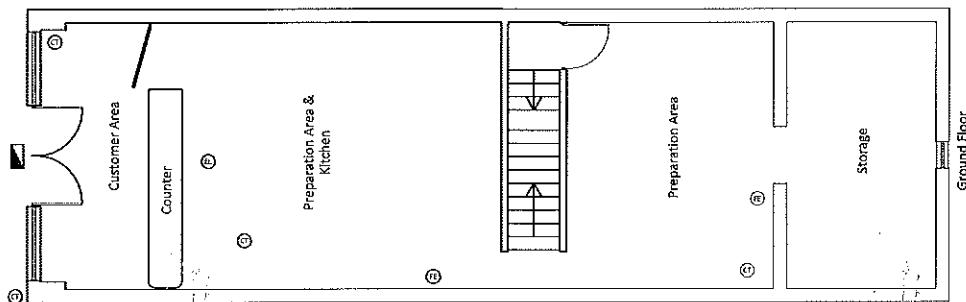
Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

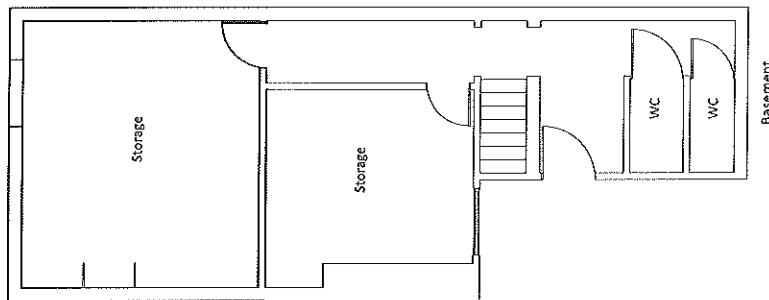
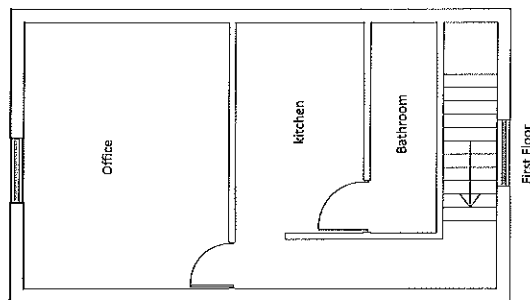
- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



- KEY**
- Alcohol
  - Fire Exit
  - CCTV
  - Emergency Light
  - Smoke Detector
  - Fire Extinguisher
  - Alarm System: Toaspec or Similar Fitted
  - Shutter Provided
  - CCTV Monitor For Min. 31 Days



**Medway**  
COUNCIL  
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<b>Title:</b>	40 Luton Road, Chatham
<b>Drawn By:</b>	RS
<b>Date:</b>	5 October 2018
<b>Scale:</b>	1:50 @ A3
<b>Drawn No.:</b>	001

**Client:**  
Tops Pizza  
40 Luton Road  
Chatham  
ME4 5AA

  
Westminster Business Centre  
Primrose Lane  
Hays  
UB3 1AP  
W: lqa.co.uk E: info@lqa.co.uk  
T: 020 8123 890 M: 0750 222 4452

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The plans are intended as a general indication of the proposed layout only. All equipment including but not limited to fire extinguishers and emergency lighting are the recommended minimum specification to ensure they are installed in accordance with regulation. All images and dimensions are not intended to form part of any contract or agreement. All dimensions must be verified by the client.

Even if the plans are not to be used, the following areas have not been accessed for the following reasons: access to parts of basement was restricted due to locked doors.



**From:** hopson, lisa  
**Sent:** 15 November 2018 15:09  
**To:** bennett, charles; building; williams, james; protection, consumer; dartford fire safety; defazio, franco; environmental protection; Fire; food and safety; geldenhuys, ailish; Home Office; mscb; murray, barbara; Police Licensing; representations, planning; shawmackie, gemma  
**Subject:** Top Pizza 40 Luton Road Chatham Kent

Please see amendment to the operating schedule from the Applicant , the applicant has confirmed that the operating schedule will be amended accordingly to off sales only.

"Further to your representation made on 11 November 2018 regarding the Tops Pizza's premises licence application, I would like to take this opportunity to clarify a few points with you and to outline any mitigating actions in relation to your concerns, as well as propose to amend the late night refreshment to delivery only, where no customers will be permitted to enter the premises after 23:00 Sunday to Saturday.

Tops Pizza will implement the relevant policies and actions which will meet and promote all of the licensing objectives. Some examples of these are outlined below.

I would like to stress that Tops Pizza's business model is not an off-licence or a drinking establishment.

The premises will be closed to the public from 23:00. There will be no regulated entertainment provided at the premises at any time.

It is difficult to operate any small business in the current climate and additional hours are required to keep pace with other food delivery businesses in the area.

I have also considered all aspects of Medway Licensing policy and the licensing objectives set out under the Licensing 2003, and the needs of residents, so have offered up a robust operating schedule that should the licence be granted then the licensing objectives would be promoted.

In addition to the conditions within the operating schedule submitted, below are some conditions that will be adhered to, in order to promote the licensing objectives.

After 23:00 Monday to Saturday and 22:00 Sunday, no customers shall not be permitted on the premises and all sales will be by delivery only to a bona fide address.

The premises are shut to the public at 23:00 Monday to Saturday and 22:00 Sunday so we envisage no interaction with the public except for deliveries to customers whose details they will have before the delivery takes place.

The door of the premises will be closed at 23:00 and an opaque blind/ curtain/shutter will be pulled down to ensure no customers can enter.

At 23:00 Monday to Saturday and 22:00 Sunday an opaque blind/ curtain/shutter which will cover the length and width of both shop windows and door will be drawn.



Prominent signage indicating the permitted hours for the late night refreshment shall be displayed so as to be visible before entering the premises.

A notice shall be displayed by the front door stating the premises opening hours and that all orders after 23.00 Monday to Saturday and 22:00 Sunday must be phoned through and are by home delivery only.

Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.

Home deliveries shall only be carried out by in-house employees of the business.

The drivers will be kept inside the premises when not delivering.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity .

The public footpath area within a 2 meter radius of the shop front shall be cleared of litter that is identifiable as coming from the premises.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following :

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any visit by a relevant authority or emergency service .

I thank you in advance for your consideration and look forward to hearing from you. Please let me know if you require any further information or clarification, I'd be more than happy to discuss"

Kind Regards,

*Lisa.*

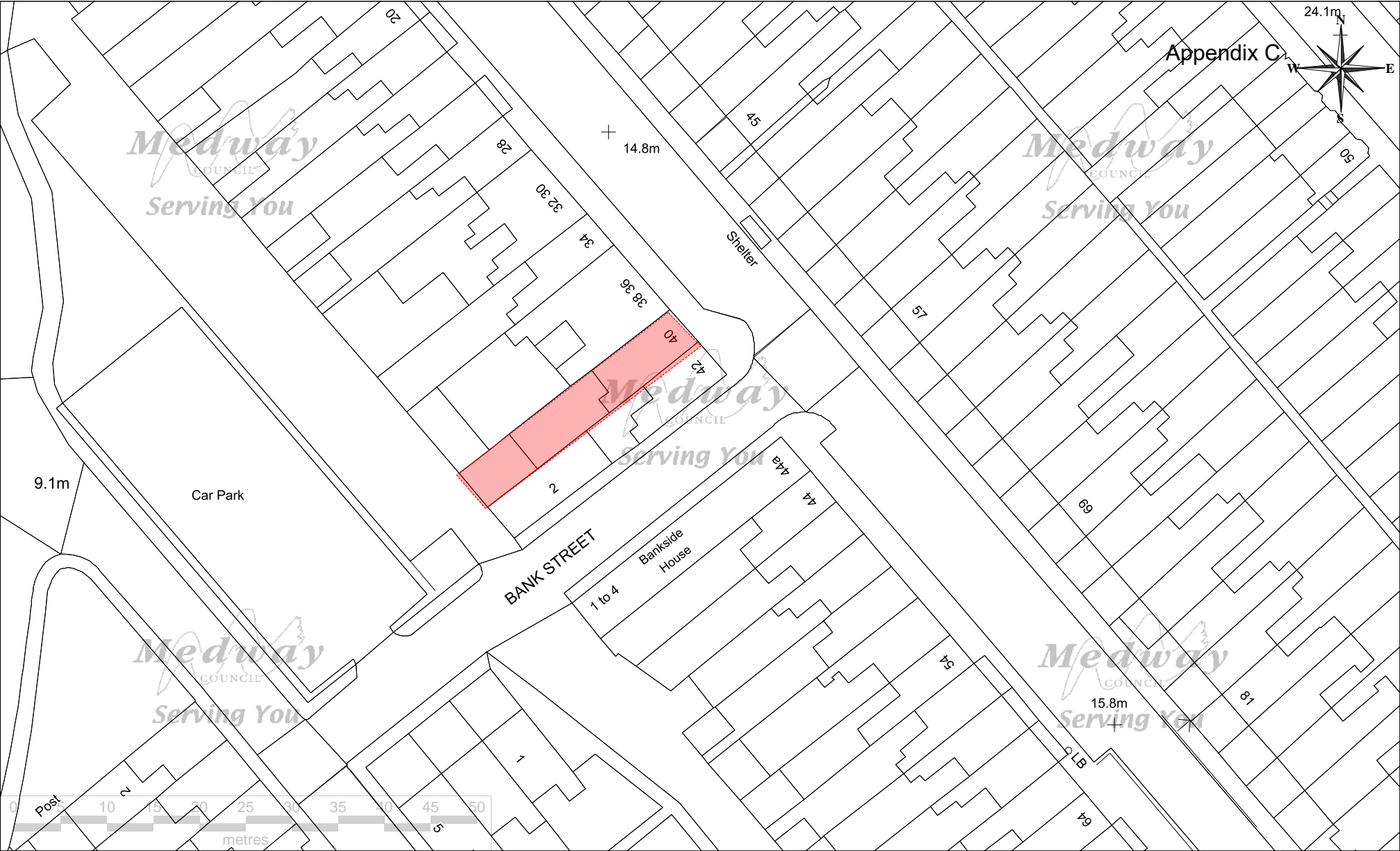
Lisa Hopson  
Licensing Officer  
Medway Council  
Gun Wharf  
Dock Road  
Chatham  
ME4 4TR  
DX 140142 CHATHAM 8  
[lisa.hopson@medway.gov.uk](mailto:lisa.hopson@medway.gov.uk) <mailto: lisa.hopson@medway.gov.uk>  
[www.medway.gov.uk](http://www.medway.gov.uk)

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Top Pizza 40 Luton Road Chatham ME4 5AA





**Chief Officer of Police Representation** in relation to an application for grant of a premise licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

<b>Details of person making representation</b>	
<b>Name of Chief Officer of Police</b>	Chief Superintendent SMITH
<b>Postal Address: (Divisional Headquarters)</b>	Medway Police Station Purser Way Gillingham Kent ME7 1NE
<b>E-mail address</b>	licensing.north.division@kent.pnn.police.uk
<b>Telephone Numbers:</b>	
<b>Licensing Co-ordinator</b>	Geoff Rowley 01634 792733
<b>Licensing Officers</b>	Dan Hunt 01634 792388
	Chris Hill 01634 792276
	Clare Cossar 01634 792411
	Diane Holroyd 01634 792343
<b>Details of premises representation is about</b>	
<b>Name of Premises:</b>	Tops Pizza
<b>Address of premises:</b>	40 Luton Road Chatham Kent ME45AA
<b>Date application received by police</b>	22 <sup>nd</sup> October 2018
<b>Date representation sent to Licensing Authority</b>	15 <sup>th</sup> November 2018
<p>All representations must be made within 28 days of receipt of initial application</p> <p><i>The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. Part 4 Reg. 22.</i></p>	

**The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

**Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003?** No

**If yes complete the appropriate statement:**

**Please give the reason for the representation and detail the evidence supporting it under the appropriate headings:**

This premises already operates as a "Tops Pizza" takeaway restaurant which closes daily at 23:00. The premises is located on a busy street near to the town centre and is situated very near to other already licenced premises and non-licenced businesses alike. Despite this Luton Road remains a heavily populated residential area. The opposite side of the street to this premises is made up of predominantly terraced housing and many of the licenced premises and businesses located on the same side of the street as Tops Pizza are situated between terraced housing and have residential flats located directly above.

Whilst the applicant has detailed a number of steps that they intend to undertake in order to promote the licensing objectives, clarification is sought in some areas.

**Kent Police are opposed to this application under the hours stated:**

**Late Night Refreshment**

23:00 to 02:00 Monday - Thursday

23:00 to 03:00 Friday - Saturday

23:00 to 00:00 Sunday

**1) Prevention of Crime and Disorder**

The location of Tops Pizza at 40 Luton Road Chatham, places the premises within the Luton and Wayfield ward of the Medway Towns. This ward is currently a priority area for Medway Police due to the high levels of crime and anti-social behaviour occurring in this region. As already stated, Tops Pizza is located near to many residential properties in what is a heavily populated residential area located just outside of the town centre.

Kent Police Licensing are opposed to the premises being licensed Monday to Thursday until 02:00 and Friday to Saturday until 03:00. There is risk that for this six day period (Monday to Saturday) residents would be disturbed into the early hours due to the anti-social behaviour which is often associated to late night food establishments. The likely outcome would be an increase of calls to police reporting anti-social behaviour and incidents subsequently placing greater demands on police resources.

The applicant has stated some good working practices that it intends to adhere to in order to minimise noise related complaints that would ultimately be generated by staff. (Such as delivery drivers waiting inside between orders, switching off vehicle engines, deliveries of goods to the restaurant being made during suitable hours, waste being disposed of at suitable times so as not to cause a nuisance to residents and so). However, other than displaying notices requesting "No Loitering" and offering to monitor CCTV for anti-social behaviour, the applicant has failed to really identify and explain how they intend to deal with anti-social behaviour or crime generated by customers.

Kent police regularly deal with complaints and reports of anti-social behaviour caused at other premises located in the immediate area. It is highly likely that should this premises licence be granted and the premises operate in the proposed manner that it would only add to the issues and concerns currently held by both the police and the general public/residents for this area.

A planning application submitted to Medway Council on 15<sup>th</sup> December 2017 requesting a variation to extend the opening hours of this premises was rejected and the applicant notified of the reasons for that decision. Should a premises operate outside of the permitted hours authorised by the planning department

then it is likely that a criminal offence will be committed. Should that be the case there would be a failure by the premises to promote the licensing objective of preventing crime and disorder.

## **2) Public Safety**

Much of the representations that have been made in respect of the impact on the Licensing Objective of Crime & Disorder can be mirrored under this objective. Any incident of Public Order or Assault has a propensity to have an element of collateral impact on Public Safety, through the protagonists and their interaction with Police.

## **3) Prevention of Public Nuisance**

Public nuisance under the Licensing Act enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the breadth and flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living nearby.

Any incidents that Kent Police responds to are by definition a nuisance to some section of our community. This is more pronounced during the hours of the Night Time Economy. This can be people talking loudly whilst waiting for food, or the home delivery vehicles parked outside.

## **4) Protection of Children from harm**

The protection of children from harm includes protection from moral, psychological and physical harm; therefore this is not just about protecting the children from the inherent harms of alcohol but includes exposure to strong language, and sexual harms which can include provocative behaviour by customers. Late night establishments are a draw for children who are vulnerable, this can be from children in care to runaway children. The venue has not considered how they will protect their staff or young customers.

Further to the above this area of Chatham falls within a Medway Council cumulative impact policy area (CIP). The cumulative impact of licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people and thereby creating exceptional problems of crime, disorder and nuisance over and above the impact from the individual premises themselves.

Also, the statement of licensing policy for Medway Council states that generally late-night fast food premises will be expected to be closed at:

Sunday to Thursday – 00:00 (Midnight)

Friday to Saturday – 02:00

And the Authority will expect the risk assessment and/or operating schedule to include proposed specific measures to promote the four licensing objectives and reference Policy 7. If they are not, it is likely extended hours will be refused or imposed.

**Should the licensing panel decide to grant Tops Pizza a premises licence for Late Night Refreshments - Kent Police seek the attachment of the following conditions to clarify those proposed in the operating schedule, and assist in the promotion of the licensing objectives:**

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
  - Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
  - Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
  - The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.
  - The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.
  - An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
  - In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately ([licensing.north.division@kent.pnn.police.uk](mailto:licensing.north.division@kent.pnn.police.uk))
2. The premises licence holder or designated premises supervisor must keep an incident register.

Staff are to be trained to complete an incident book/records immediately after the incident but no later than the end of their shift.

The register must be kept on the premises and will detail

  - Day, date and time of incident
  - Nature of incident
  - Resolution
  - Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.

The register must be made available to Police, Police Licensing Officers and authorised officers from the Local Authority on demand either electronically or hard copy.

3. The Licence holder shall erect and maintain clear and prominent notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
4. The Licence holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons that causing any disturbance or disorder in a queue or in the street will result in admission being refused.
5. The premises must close to visiting customers from 00:00 and thereafter operate a home delivery service only.
6. Pull down blinds be fitted in the windows of the premises and at midnight the blinds be pulled down such that it appears to the passing public that the premises is closed.

PC Hunt 11044  
PP. Ch. Supt Tim SMITH  
**North Division Area Commander**

**Date:** 15<sup>th</sup> November 2018





## **LICENSING ACT 2003 – APPLICATION FOR A NEW PREMISES LICENCE APPLICATION**

<b><u>Name and address of premises</u></b>
--

<b>Tops Pizza, 40, Luton Road, Chatham. ME4 5AA</b>
---

The Director of Public Health is making representations concerning the grant of this premises licence under the following licensing objectives

- The prevention of crime and disorder
- The prevention of public nuisance

### **General comments**

These premises are situated on a busy road running through Luton, and is in a small parade of shops. As well as takeaway hot food the business also offers a delivery service. It is surrounded by residential properties, both flats and terraced houses, many of which are divided into premises of multiple occupation. This is one of the most densely residential areas in Medway and one of the most deprived (See attached licensing report). The business offers a delivery service. Photographs showing the residential nature of the area are included at Appendix A for the committee's information.

The Luton cumulative impact policy (CIP) covers this area and, although the policy does not directly apply to takeaway premises, the evidence accepted by the Authority to support the CIP (available at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>) is relevant to this application. There is strong evidence of high and unacceptable levels of crime and public nuisance in the immediate and surrounding area. The Chatham High Street CIP also borders the Luton CIP area close to this point, further reinforcing the concerns the Authority has about levels of crime and nuisance in the more general area.

## **The Prevention of Crime and Disorder**

Fast food and takeaway premises which are open after 2300 hours attract groups of customers, many of whom have consumed alcohol. This increases the likelihood of violent crime such as assaults, public disorder and criminal damage.

Specifically, this premises is in the Luton Road CIP area, which was agreed by the Council due to the unacceptable levels of alcohol related crime and disorder. While the policy does not directly apply to the sale of hot food and drink between 2300 hours and 0500 hours, the Director is concerned later opening hours for these premises will add to the already high levels of crime and disorder.

The applicant has neither acknowledged the crime in the area, nor offered any control measures to promote this objective in the application beyond the installation of CCTV at the premises. The Director does not think it an unreasonable presumption that later opening hours in this residential location has the potential to increase crime and disorder, which the installation of CCTV will do little to mitigate against, particularly in the wider area.

## **The Prevention of Public Nuisance**

Noise nuisance in residential areas can disturb people in their homes, and can be generated by a variety of means, such as customers and staff gathering outside buildings to eat, drink and smoke. This can affect residents even at some distance from the premises. The impact on the wellbeing of local residents from noise generated by late-night premises such as hot food and takeaway businesses is of concern.

Late-night noise is often unsettling; particularly shouting and screaming. The degree of nuisance caused by noise can increase with the lateness of the hour, especially if it disturbs or prevents sleep. Public nuisance can also be generated by a variety of other means, such as litter, smells, smoke, light pollution, waste disposal and the noise caused by vehicles used for deliveries, all of which may cause a disturbance to people in the vicinity.

In line with the issues related to crime and disorder already discussed, the CIP was put in place due to unacceptably high levels of public nuisance. The Director is concerned that later opening hours for these premises will add to these high levels of public nuisance given it is within a highly populated residential area.

In addition the premises applied for planning permission for these extended hours, which was refused in February 2018 (MC/17/4356) on the following grounds (my highlight):

*Taking account of National Planning Policy Guidance: Noise (paragraph '002 Reference ID: 30-002-20140306), the change of the hours of operation from 23:00 to 02:00 on Mondays to Thursdays (inclusive), from 22:00 to 02:00 Sundays and Public Holidays and from 23:00 to 03:00 on Saturdays and Sundays **would have the potential to lead to an unacceptable impact upon neighbouring amenities through increased noise and disturbance caused in the early hours of the morning by patrons of the take away.** The development is contrary to Policy BNE2 of the Medway Local Plan 2003 and point 4 of Paragraph 17 of the NPPF.*

The planning notice is attached to these representations as Appendix B for the information of the committee. The reason for refusal is an acknowledgement of the potential impact later opening could have on the local area through increased noise and disturbance i.e. public nuisance.

The applicant has not acknowledged the issues that this area experiences with nuisance and the control measures offered in the operating schedule are generic in nature and do not sufficiently explain how they will address the concerns specific to this location. The Director does not think it unreasonable that a takeaway premises with later opening hours in a residential location has the potential to add to public nuisance in the immediate and wider area.

## **Summary**

This application neither acknowledges nor addresses the issues this area has with crime and public nuisance. It also does not address the possible increase in behavioural and situational noise and nuisance that may arise during the later hours due to the increase in trading hours. This in turn raises questions of just how the applicant intends to promote the licensing objects, or even if the issues in this area have been considered. The mitigation offered in the operating schedule appears generic and would do little to address the serious concerns the Authority has.

While the Director acknowledges that licensing and planning are separate regimes, Statutory Guidance states at paragraph 9.45:

*'...licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours ...'*

Further Policy 26 in the Statement of Licensing Policy, and associated guidance, is relevant to this application, and has not been addressed in the operating schedule. Paragraph 17.4 states:

*Where a terminal hour has been set for the use of premises for commercial purposes under planning legislation, the Authority, when its discretion is engaged on receipt of representations, will consider imposing the same terminal hour under licensing legislation, unless there are exceptional circumstances, in order to ensure a proper integration between the two regimes.*

It is the view of the Director of Public Health there are no exceptional circumstances in this application. In addition no meaningful conditions have been offered to promote the prevention of crime, disorder and public nuisance in an area which already suffers high levels of all three, and the application should therefore be refused.

James Williams

Date 9<sup>th</sup> November 2018

**Director of Public Health**

For all communication please contact **Barbara Murray**, Public Health Project Officer at the address at the head of this representation or by the following:

Tel: 01634 332637:

E mail: [barbara.murray@medway.gov.uk](mailto:barbara.murray@medway.gov.uk)

# Report for Public Health application for new premises licence

## – Tops Pizza, 40, Luton Road, Chatham. ME4 5AA

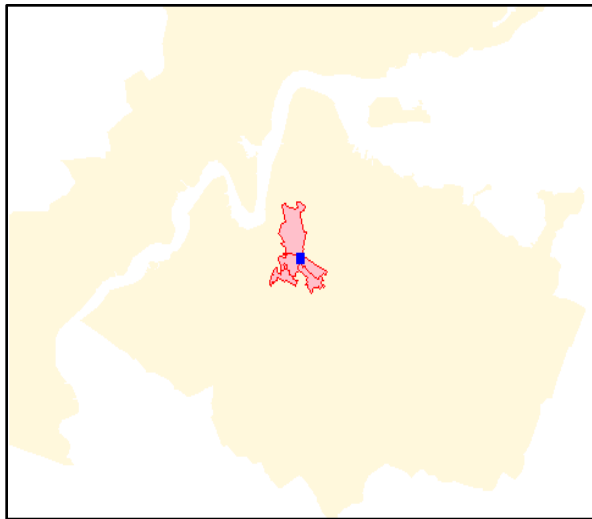
### Area description

The 'area' referred to in this report has been constructed in two ways to allow different information to be presented most effectively. The first way is to draw a simple radius around the postcode of the premises and the second way is to identify the Lower Super Output Areas closest to postcode. Lower Super Output Areas (LSOAs) are units of geography (developed and maintained by the Office for National Statistics) corresponding to an average of 1,600 people or 650 individual households. Like electoral wards, each LSOA has a clearly defined geographical boundary. There are 163 LSOAs within the Medway Council boundary.

This report summarises the area around the postcode ME4 5AA.

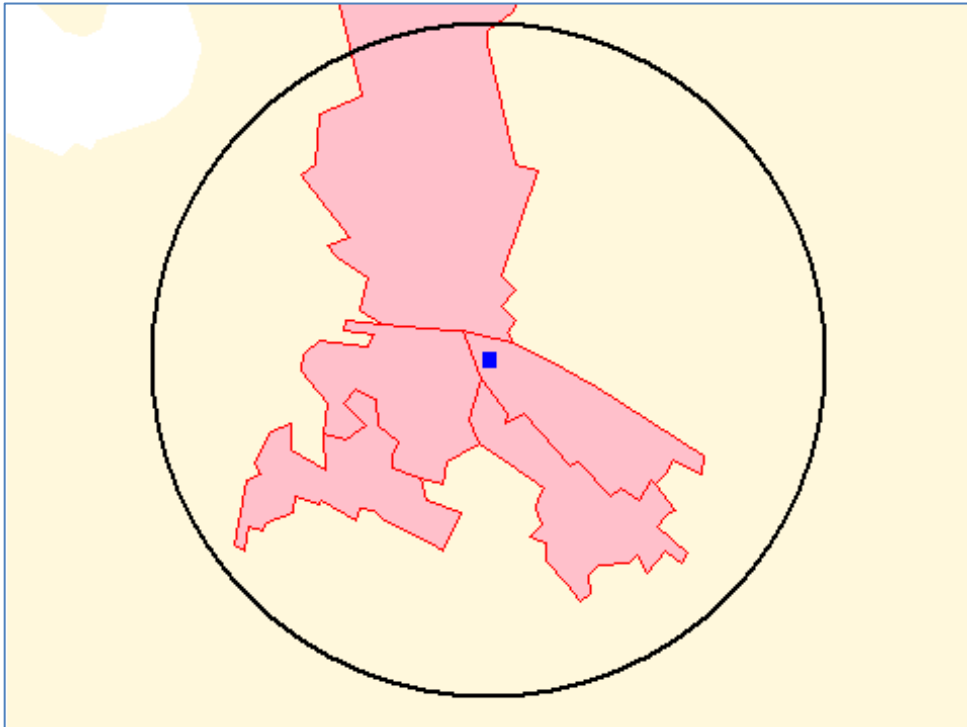
### LSOAs near the postcode

This first map shows the location of the postcode ME4 5AA in Medway and the 5 LSOAs around it.



There are 9,421 people living in the 5 LSOAs around ME4 5AA.

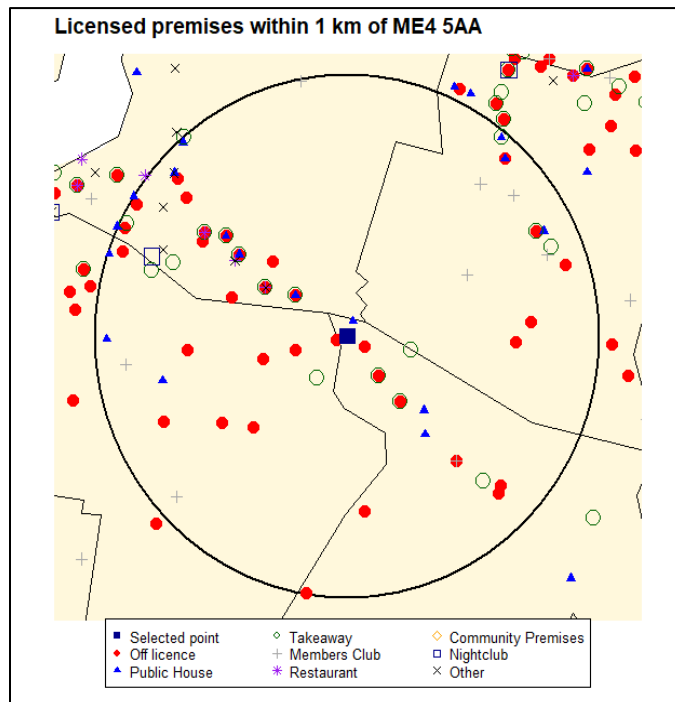
## Zoomed-in



This shows the same LSOAs, zoomed in, with a 1 km radius around the postcode. There are 9,421 people living in the 5 LSOAs around ME4 5AA, with the following age distribution:

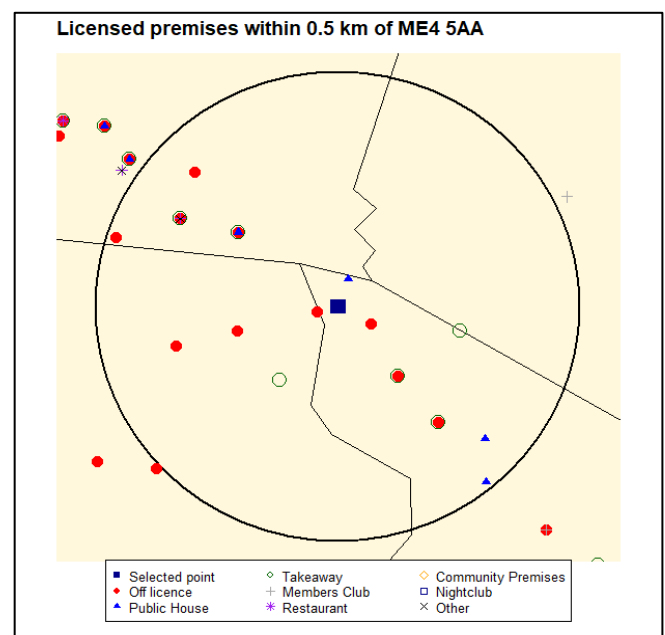
	Count	Percent
<b>&lt; 5</b>	904	9.6
<b>5 to 18</b>	1898	20.1
<b>19 to 64</b>	5917	62.8
<b>65 to 84</b>	633	6.7
<b>85 plus</b>	69	0.7

## Licensed premises around the postcode (ward boundaries only)



Premises type	Number
Off licence	36
Takeaway	24
Public House	14
Members Club	8
Other	6
Restaurant	5
Community premises	2
Nightclub	1

Premises type	Number
Off licence	11
Takeaway	8
Public House	4
Restaurant	3
Other	2
Community premises	0
Members Club	0
Nightclub	0



## Deprivation

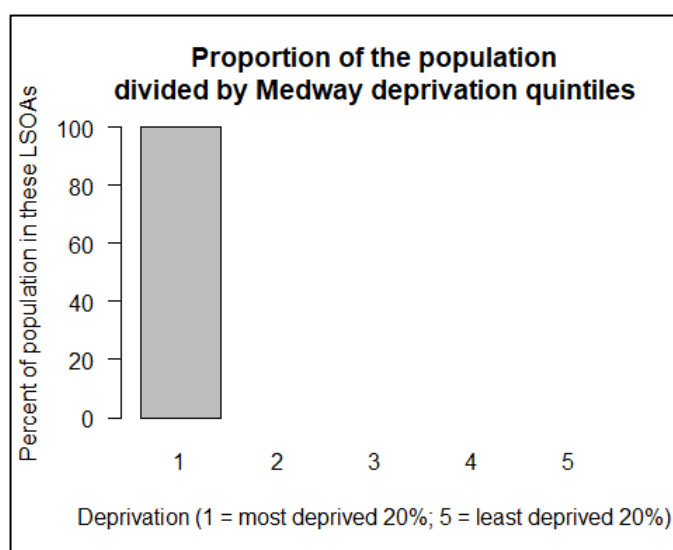
The Indices of Deprivation 2015 provide a relative measure of deprivation in small areas across England. The Indices of Deprivation 2015 is based on the concept that deprivation consists of more than just poverty. Poverty is not having enough money to get by on whereas deprivation refers to a general lack of resources and opportunities.

The Indices of Deprivation 2015 is the collective name for a group of 10 indices which all measure different aspects of deprivation. The most widely used of these is the Index of Multiple Deprivation which is a combination of a number of the other indices to give an overall score for the relative level of multiple deprivation experienced in every neighbourhood in England.

In total 38 separate indicators, which are grouped into seven domains each of which reflects a different aspect of deprivation, are used to produce an overall Index of Multiple Deprivation score for each small area in England. The domains used in the Index of Multiple Deprivation 2010 are income, employment, health, education, crime, access to services and living environment. Each of these domains has their own scores and ranks allowing users to focus on specific aspects of deprivation. All the small areas in England can be ranked according to their Index of Multiple Deprivation score; this allows users to identify the most and least deprived areas in England and to compare whether one area is more deprived than another.

An area has a higher deprivation score than another one if the proportion of people living there who are classed as deprived is higher. An area itself is not deprived: it is the circumstances and lifestyles of the people living there that affect its deprivation score. And it is important to remember that not everyone living in a deprived area is deprived - and that not all deprived people live in deprived areas.

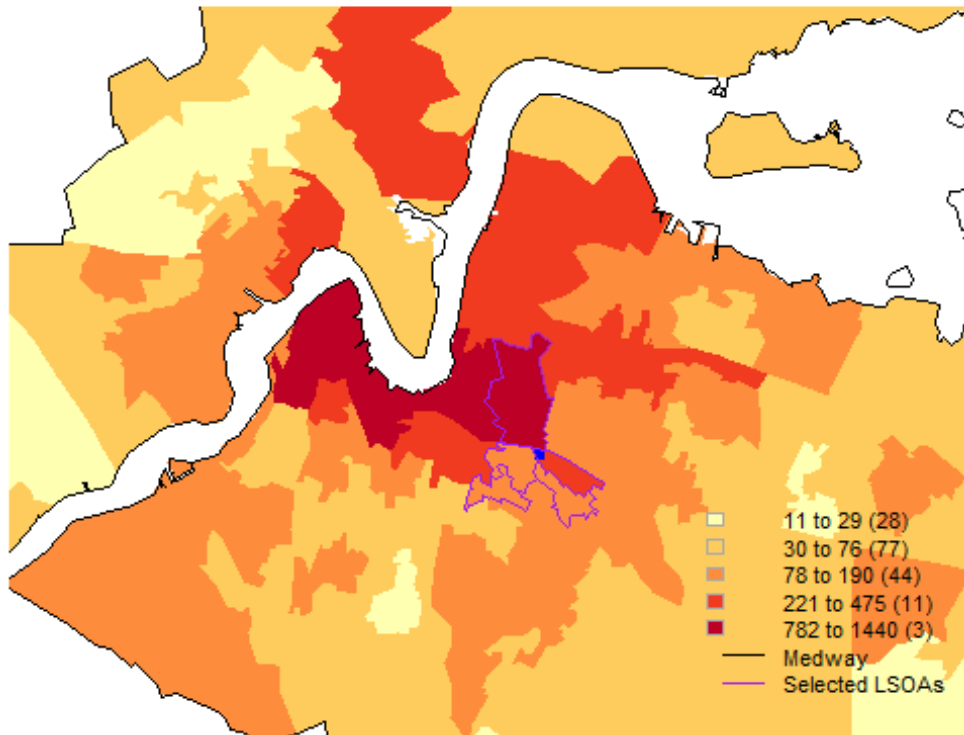
Source: [English indices of deprivation 2015: guidance](#)





## Ambulance call-outs

The following analysis includes the call-outs between 2011 and 2017 attended by South East Coast Ambulance Service where alcohol is suspected as a contributory factor.



The 5 LSOAs around ME4 5AA account for 1585 (9.6%) of all ambulance call-outs where alcohol is suspected.



## Appendix A to Public Health representation

Screen shots taken from Google maps showing residential nature of Luton Road







## **Decision Notice**

MC/17/4356

Appendix B to Public Health  
representation



Mr Annaytallah Nizi

40 Luton Road  
Chatham  
Kent  
ME4 5AA

Planning Service  
Physical & Cultural Regeneration  
Regeneration, Culture, Environment &  
Transformation  
Civic Headquarters  
Gun Wharf  
Dock Road  
Chatham  
Kent ME4 4TR  
Telephone: 01634 331700  
Facsimile: 01634 331195  
Email:

Applicant's Name Mr Annaytallah Nizi

[planning.representations@medway.gov.uk](mailto:planning.representations@medway.gov.uk)

### **TOWN & COUNTRY PLANNING ACT 1990**

### **Town & Country Planning (Development Management Procedure) (England) Order 2015**

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Location: 40 LUTON ROAD, LUTON, CHATHAM, ME4 5AA

Proposal: Variation of condition 4 of planning permission MC/13/2983 to extend opening hours from 10:00 to 23:00 Monday - Saturday and 11:00 to 22:00 on Sundays and Bank holidays to 11:00 to 02:00 Mondays to Thursday including Sundays and Public holidays and 11:00 to 03:00 Fridays and Saturdays

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### **Notification of Refusal of Planning Permission to Develop Land**

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS REFUSED PERMISSION for the development of land as described above in accordance with your application for planning permission dated 15 December, 2017.

### **for the following reason(s):-**

- 1 Taking account of National Planning Policy Guidance: Noise (paragraph '002 Reference ID: 30-002-20140306), the change of the hours of operation from 23:00 to 02:00 on Mondays to Thursdays (inclusive), from 22:00 to 02:00 Sundays and Public Holidays and from 23:00 to 03:00 on

Saturdays and Sundays would have the potential to lead to an unacceptable impact upon neighbouring amenities through increased noise and disturbance caused in the early hours of the morning by patrons of the take away. The development is contrary to Policy BNE2 of the Medway Local Plan 2003 and point 4 of Paragraph 17 of the NPPF.

**Your attention is drawn to the following informative(s):-**

In accordance with paragraphs 186 and 187 of the NPPF Medway Council takes a positive and proactive approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive and proactive manner by;

- Offering a pre-application advice service,
- Updating applicants/agents of any issues that may arise in the processing of their application,
- Where possible suggesting solutions and,
- Informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance the applicant/agent was advised the application was unlikely to be acceptable and asked how he/she wished to proceed.

This planning decision relates to the Application Form, Site Location Plan, Photographs and LR-0649-002 revision A dated 15 December 2017.

Signed

David Harris  
Head of Planning  
Date of Notice 12 February, 2018

**Planning Representation in relation to an application for grant of premises licence  
made under Part 3 Section 17 Licensing Act 2003**

Details of person making representation	
Name of Officer:	Madeline Mead
Department:	Development Management
Postal Address:	Medway Council Gun Wharf Dock Road Chatham Kent ME4 4TR
E-mail address	madeline.mead@medway.gov.uk
Telephone Number:	01634 331580
Signed:	Madeline Mead

Details of premises representation is about	
Name and Address of Premises:	40 Luton Road Luton Chatham Medway ME4 5AA
Development Management Enquiry Number	ENQ/18/3127
Date application received:	22 October 2018
Date representation sent to Licensing Authority:	2 November 2018

Planning has received an application for the granting of a premises licence made under the provisions of Section 17 Licensing Act 2003. Under Section 18 of that Act, asks the Licensing Authority to consider these representations. We are making our representation based on the following licensing objectives:-	
<b>Prevention of crime and disorder</b> <i>Planning enforcement must deal with matters arising from breaches of planning control under planning law and therefore this representation prevents applicants from breaching planning law as a result of applying for this licence under the Licensing Act 2003.</i>	
<b>Public Safety</b> <i>Not Relevant</i>	
<b>Prevention of public nuisance</b> <i>Such development/use of the building can cause serious harm to the way that people live. Residents and businesses have a right to expect a quality of life. These can include a number of factors which were discussed when planning permission was granted for example, to limit the opening and operating hours of the business.</i>	<b>X</b>
<b>Protection of children from harm</b> <i>Not Relevant</i>	

<p>Please give the reason for the representation and detail the evidence supporting it:</p> <p>I understand that the applicant is seeking to apply for a Premises Licence to authorise for Late Night Refreshment. The hours that have been applied for are a variance with the opening hours allowed under the terms of the planning permission.</p> <p>The planning permission permits the premises to trade under the following hours:</p> <p>The use hereby permitted shall only operate between the hours of 10:00 to 23:00 Mondays to Saturdays and 11:00 to 22:00 on Sundays and Public Holidays.</p> <p>Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.</p> <p>A further application was submitted to vary the above condition to allow the premises to open later till 02:00 on Mondays to Thursday (inclusive), till 02:00 on Sundays and Public Holidays and till 03:00 on Fridays and Saturdays. This application was refused for the following reason:</p> <p>Taking account of National Planning Policy Guidance: Noise (paragraph '002 Reference ID: 30-002-20140306), the change of the hours of operation from 23:00 to 02:00 on Mondays to Thursdays (inclusive), from 22:00 to 02:00 Sundays and Public Holidays and from 23:00 to 03:00 on Fridays and Saturdays would have the potential to lead to an unacceptable impact upon neighbouring amenities through increased noise and disturbance caused in the early hours of the morning by patrons of the take away. The development is contrary to Policy BNE2 of the Medway Local Plan 2003 and point 4 of Paragraph 17 of the NPPF.</p>
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Any variation of these hours would have a detrimental impact on neighbouring amenities causing a public nuisance.



**Licensing Unit Representation in relation to an application for grant of a premise licence made under Section 17 Licensing Act 2003.**

<b>Details of person making representation – Franco De Fazio</b>	
<b>Name of Head of Legal</b>	Jan Guyler
<b>Postal Address:</b>	Medway Council Gun Wharf Dock Road Chatham Kent ME4 4TR
<b>E-mail address</b>	licensing@medway.gov.uk
<b>Telephone Numbers:</b>	
	Franco De Fazio 01634 331931
<b>Premises representation is relating to</b>	
<b>Name of Premises:</b>	Tops Pizza
<b>Address of premises:</b>	40 Luton Road, Chatham, Kent. ME4 5AA
<b>Last Date for representations</b>	16 November 2018

**The Licensing Unit has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

Prevention of crime and disorder	X
Public Safety	
Prevention of public nuisance	X
Protection of children from harm	

**Please give the reason for the representation and detail the evidence supporting it under the appropriate headings:**

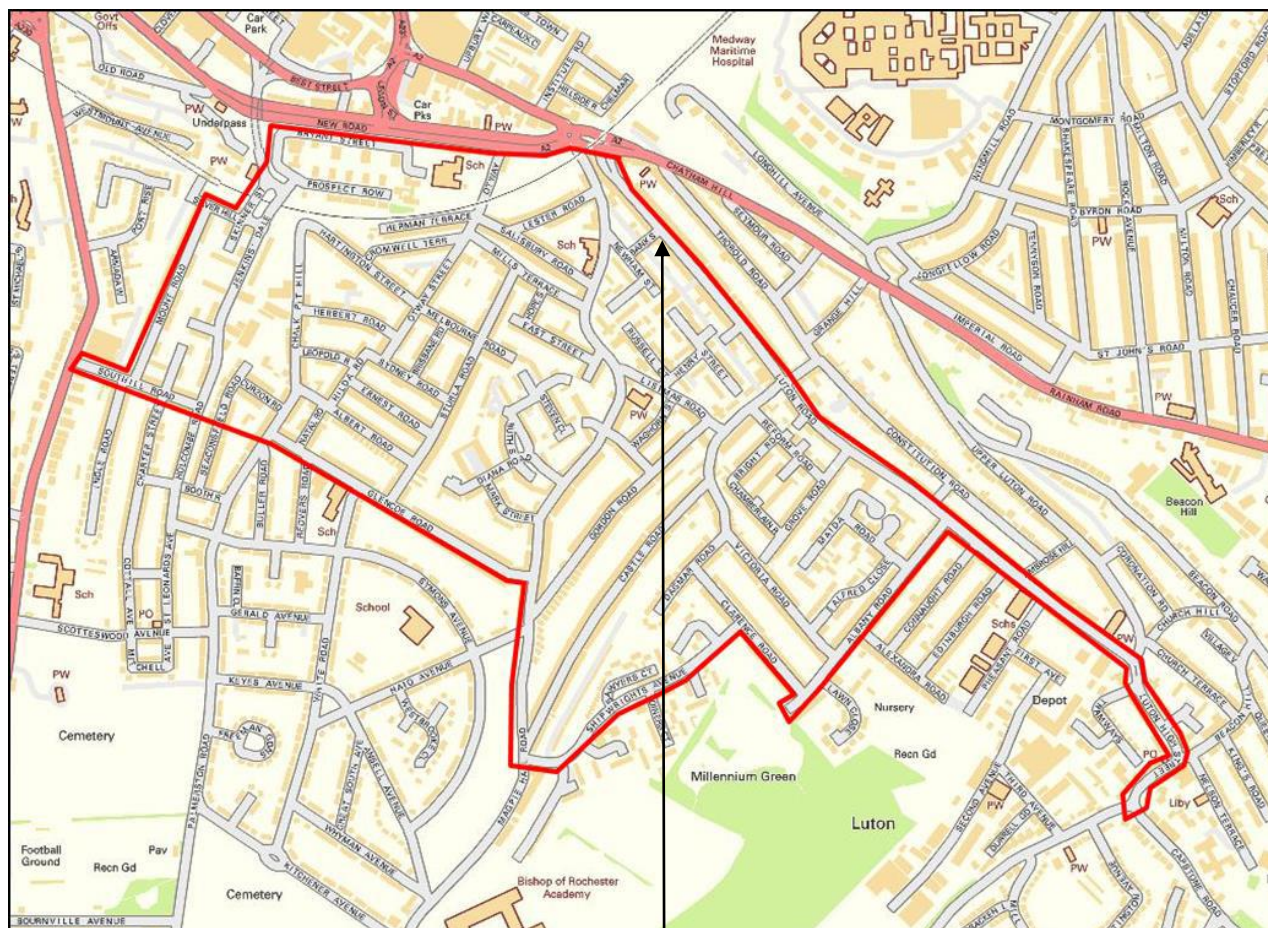
The applicant has applied for late night refreshment from 23:00 hrs until 02:00hrs Monday to Thursday, 23:00hrs to 03:00hrs Friday and Saturday and 23:00hrs to 24:00hrs Sunday.

The location of the premises falls within the Cumulative Impact Policy (CIP) 3 Area and therefore requires greater attention than applications falling outside a CIP area.

**The licensing unit wishes to make representations that the application should be refused. I offer the following in support of this.**

## Statement of Licensing Policy Considerations

The premises are located inside Luton Road and Chatham Central area as is shown on the map below.



Premises are located here

Policy 12 on Page 37 of the above policy, agreed by full council on 26 April 2018 sets out how discretion should be used in determining such applications:

and

Pages 38 and 39 of the policy identify general issues associated with fast food and takeaway premises. And section 5.61 highlights these issues as a particular concern in Cumulative Impact Areas

Cumulative Impact Policy (CIP) 3 Area on Page 89 of the policy gives particular details of concern in this area of high deprivation.

## Planning

Policy 26 on page 64 outlines the procedure for dealing with licensing applications in the absence of approved planning consents

## The Representation

The applicant has applied for hours far exceeding those that are currently observed with licensed premises within the ward area. Licensed premises in the vicinity of the premises have the following terminal hours:

		Weekdays	Weekends
Cheers Pizza	52-54 Luton Road, Chatham, Kent ME4 5AB	23:30	00:00
Famous Fried Chicken	268 Luton Road, Chatham, Kent ME4 5BS	11:00	11:00
Happy Garden	171 Wayfield Road, Chatham, Kent ME5 0QH	00:30	00:30
Links Tandoori	16 The Links, Wayfield, Chatham, ME5 0EA	11:00	11:00
May Moon Chinese	142 Luton Road, Chatham, ME4 5AD	23:30	00:00
Original Best Kebab	44a Luton Road, Chatham, ME4 5AB	00:15	01:15
Turkish Delight	290 Luton Road, Chatham, ME4 5BU	00:40	01:40
Wayfield Kebab House	181 Wayfield Road, Chatham, ME5 0HD	00:30	01:00
Constitution Castle	Constitution Hill, Chatham, Kent ME5 7DP	00:30	01:30
Hen & Chickens	41 Luton High Street, Chatham, Kent. ME5 7LP	01:00	01:00
Richard Cobden	178 Luton Road, Chatham, Kent. ME4 5BP	23:20	23:20
Abi Food & Wine	112-114 Luton Road, Chatham, Kent ME4 5AD	23:00	23:00
Best One Express	367a Luton Road, Chatham, Kent ME4 5BJ	00:00	00:00
Kabin	270 Luton Road, Chatham, Kent ME4 5BS	23:00	23:00
M D Off Licence	44-46 Luton Road, Chatham, Kent ME4 5AB	23:00	23:00
Magnolia	308 Luton Road, Chatham, Kent ME4 5BX	22:00	22:00
McColls	31a Albert Road, Chatham, Kent ME4 5QA	23:00	23:00
McColls	214 Luton Road, Chatham, Kent ME4 5BS	23:00	23:00
Real Ale Centre	72 Albany Road, Chatham, Kent ME4 5DM	22:30	22:30
Village Off Licence	31 Luton High Street, Chatham, Kent ME4 5AG	23:00	23:00

If this application is granted as applied for then residents will begin to experience additional incidents of crime and disorder and public nuisance that do not currently exist as the Late Night Economy will be extended until after 3am. Members of the public that do not currently use the premises will come in to the area from neighbouring localities by car or motorbikes and congregate outside until they have been served late night refreshments. This will give rise to traffic, elevated noise levels, more litter being discarded in the area. There will be a direct cause and effect link between this late licence and public nuisance and elevated crime and disorder issues as a consequence.

Planning have also considered an application to extend the opening hours and this has been refused on the grounds of increased noise and disturbance, MC/17/4356.

Franco De Fazio – Licensing Enforcement Officer

PP. Jan Guyler – Head of Legal

**Date:** 9 November 2018

**From:** Tristan Osborne  
**Sent:** 11 November 2018 20:54  
**To:** murray, barbara  
**Cc:** Dan Hotmail ; mcdonald, dan  
**Subject:** Licensing Representation for Tops Pizza, Luton

Hi Barbara

**Re: Members representation on Licence for Tops Pizza, Luton**

I am writing to formally oppose this licence application or variation for the above mentioned fast food restaurant situated in my ward.

In rejection I am seeking to highlight the following concerns in the direct surroundings which will be exacerbated by this license application and specifically in relation to

- 1) The prevention of crime and disorder
- 2) The prevention of public nuisance

**1) The Prevention of Crime and Disorder**

- This fast food outlet will attract groups of customers and increases the likelihood of crime such as assaults, public disorder and criminal damage. This premises resides in the *Luton Road CIP* area, which was agreed by the Council due to the proven levels of alcohol related crime and disorder.
- Later opening hours for these premises will, in my view, add to the already high levels of crime and disorder in this area as people who have been drinking will use this premises to buy food.

**2) The Prevention of Public Nuisance**

- Noise nuisance from this venue will disturb people in their homes at a time of rest and sleep as it is highly likely that customers and staff will congregate outside buildings to eat, drink and smoke.
- Degree of nuisance caused by noise can increase with the lateness of the hour, especially if it disturbs or prevents sleep.
- Public nuisance can also be litter, smells, smoke, light pollution, waste disposal and the noise caused by vehicles used for deliveries
- Takeaway premises with later opening hours in this residential location, has the potential to add to public nuisance in the immediate and wider area.

Summary

The **Luton cumulative impact policy** CIP covers this area and, although the policy does not directly apply to takeaway premises, the evidence accepted by the Authority to support the policy (available at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>) is relevant to this application. Evidence shows there are unacceptable levels of crime and public nuisance in this area.

As I understand application for planning permission for these extended hours was refused in February 2018 (MC/17/4356) and the reason for refusal was that the potential impact later opening could have on the local area through increased noise and disturbance i.e. public nuisance. To this end Policy 26 (planning and licensing) in the Statement of Licensing Policy is relevant.

I have CC'd my colleague Cllr Dan McDonald into this representation.

Regards

Cllr Tris Osborne

--

—

Cllr Tristan Osborne  
Opposition Portfolio for Policing & Community Safety  
Luton & Wayfield Ward Councillor  
Phone: 0779 320 4282



07/11/2018

Medway Council  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR

RE: License application variation: [Tops Pizza, 40 Luton Road, Luton, Chatham Medway ME4 5AA]

We wish to make you aware of several strong concerns that we have about the proposed change of opening hours of [Tops Pizza, 40 Luton Road, Luton, Chatham, Medway, ME4 5AA], license application referenced above. As a close neighbour to the site, we are of the view that the proposed changes will have a negative impact on the standard of living for all in that area and have the potential to increase litter and antisocial behaviour present in that area. Our specific objections under the Prevention of Public Nuisance Licensing Objective are as follows:

We believe that any change of hours would be contravention of Medway Council statement of licensing policy 17.4 *Where a terminal hour has been set for the use of premises for commercial purposes under planning legislation, the Authority, when its discretion is engaged on receipt of representations, will consider imposing the same terminal hour under licensing legislation, unless there are exceptional circumstances, in order to ensure a proper integration between the two regimes.* We can see no grounds for exceptional circumstances that would give grounds to change the current hours of operation.

We are aware that recently a planning application for this premises was refused, taking account of National Planning Policy Guidance: Noise (paragraph '002 Reference ID: 30-002-20140306), in what is a mostly residential area the change of the hours of operation for provision of late night refreshment taking place both indoors and outdoors from 23:00 to 02:00 on Mondays to Thursday (inclusive), from 23:00 to 00:00 Sundays and Public Holidays and from 23:00 to 03:00 on Fridays and Saturdays would have the potential to lead to an unacceptable impact upon neighbouring amenities through increased noise and disturbance caused in the early hours of the morning by patrons of the take away. We believe this development is contrary to Policy BNE2 of the Medway Local Plan 2003 and point 4 of Paragraph 17 of the NPPF.

We feel that these proposed changes of hours will also lead to a potential increase in public nuisance i.e. litter and waste in and around the premises as per of Medway Council statement of licensing policy 4.18 *Public nuisance can also be generated by a variety of other means, such as litter, smells, smoke, street fouling, light pollution, waste disposal or deliveries, all of which may cause a disturbance to people in the vicinity. The Authority will pay particular regard to this type of nuisance, which affects people in their homes, going about their day to day business or in work, and consideration will be given to adding stricter conditions to premises licences in residential areas, or to those premises that have residential buildings close by.* We cannot see any provision or steps proposed due to an extension of hours to mitigate the risk of this type of nuisance occurring and would expect that consideration will be given to keep hours as they are or adding stricter conditions given that there are many residential buildings close by.

Finally, please note that our comments are in respect of the proposed change of hours. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

Yours Sincerely

Stephen Perez /