

LICENSING HEARING PANEL

2 JANUARY 2020

LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE

**TOPS PIZZA, 40 LUTON ROAD, CHATHAM, KENT, ME4
5AA**

Report from: Perry Holmes, Chief Legal Officer

Author: Helen Buddin, Licensing Officer

Summary

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

All responsible authorities have been consulted in line with the Licensing Act 2003.

Representations have been received from the Police, Public Health, Planning and a local community group. 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, Kent, ME4 5AA.

- 2.2 The details of the application requirements are as follows:

Late Night Refreshment- Delivery only

Sunday to Thursday	23:00 – 00:00
Friday to Saturday	23:00 - 01:30

- 2.3 A copy of the original application and plan as submitted is at Appendix 1.

- 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 2](#).

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 1](#).

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 and a local community group. A copy of these is attached at [Appendix 3](#). 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:

Helen Buddin – Licensing Officer

Telephone: 01634 331926 or 01474 337435

Email: helen.buddin@gravesham.gov.uk

Appendices

Appendix 1 - Application for new Premises Licence and plan

Appendix 2 - Location Plan

Appendix 3 - Copy of representations

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			
Post town	Chatham	Postcode	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		[REDACTED]			
Post town	London			Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]			
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

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

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
			<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> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<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> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur								
Fri						<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> (please read guidance note 6)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur								
Fri						<u>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</u> (please read guidance note 6)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed			<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> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) 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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

I

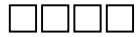
Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Please Note: (Delivery only)		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thu	23:00	00:00			
Fri	23:00	01:30	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 (please read guidance note 6)		
Sat	23:00	01:30			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sun					
			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 (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

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

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	00:00	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 (please read guidance note 6) (Delivery only after 23:00)
Tue	11:00	00:00	
Wed	11:00	00:00	
Thu	11:00	00:00	
Fri	11:00	01:30	
Sat	11:00	01:30	
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 in responsible retailing 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.

-Highly visible sign outside the premises that shows opening hours under the terms of the premises license during which licensable activities are permitted.

-A notice shall be displayed by the front door stating the restaurant opening hours and that all orders after 23:00 must be phoned through and are by home delivery only.

-The premises are shut to the public at 23:00 Monday to 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. The, opaque blind/Shutter will cover the length and width of both shop windows and door.

-After 23.00 no customers shall not be permitted on the premises and all sales will be by delivery only to a bona fide address.

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

-Drivers shall wait inside the premises between deliveries/for deliveries.

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

b) The prevention of crime and disorder

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.

-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)

-Adequate lighting provided inside and outside the premises.

-Liase with the local police and joining neighbourhood schemes.

-Abide by the law

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

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.

-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.

-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.

-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 date, time of incident and resolution of

- (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 .

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.

-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 shall be cleared of litter that is identifiable as coming from the premises.

e) The protection of children from harm

-Order received over the phone by a person who sounds like they may be under 18 years old, then the staff member will ask to speak to a parent or responsible adult.
-Valid ID (UK driver's license or a passport) and all staff will be trained on how to tell whether the ID is authentic.

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.


- 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.**

Declaration	<ul style="list-style-type: none"> • [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). • 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)
Signature	
Date	04/11/2019
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please 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.

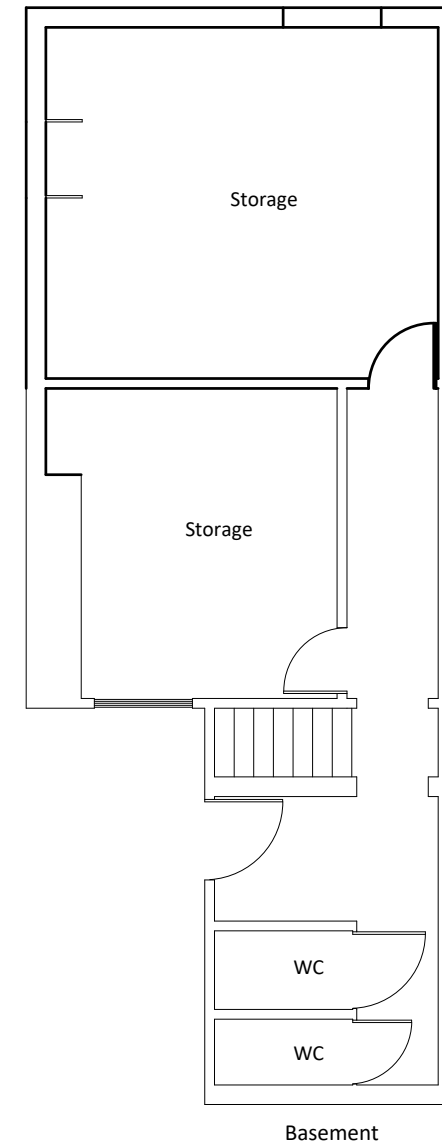
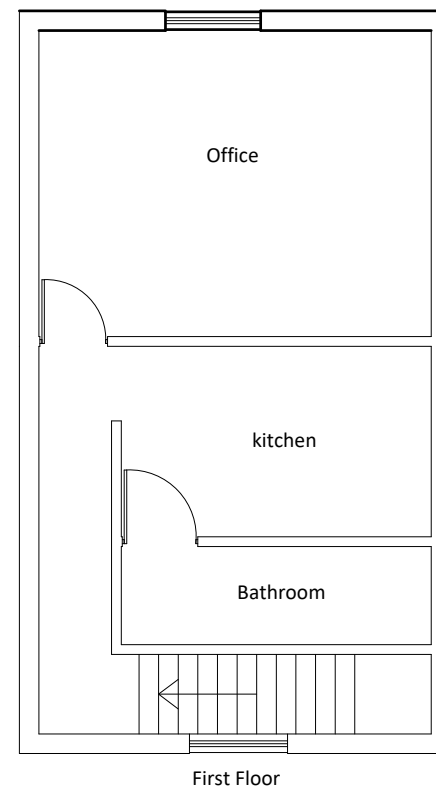
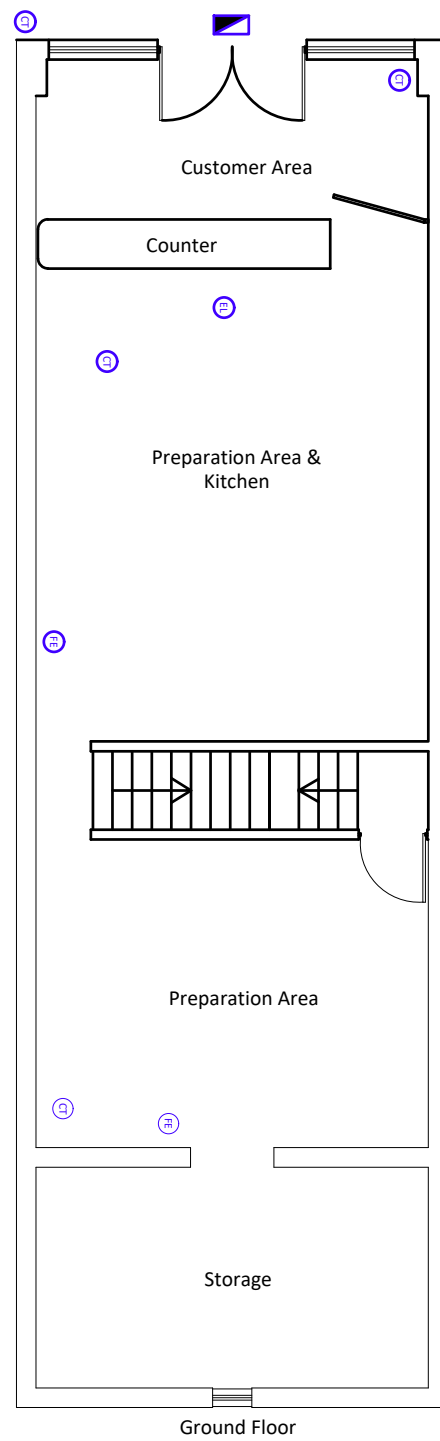
Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (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.

Revisions			
Rev	Description	Date	By



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

All dimensions to be verified on site. This design and drawings together with the information contained herein are copyright and may not be reproduced in part nor whole without the prior written permission of LQQA Ltd. All images used are for illustrative purposes only and are intended to convey the concept and vision for the property. They are for guidance only, may alter as work progresses and do not necessarily represent a true and accurate depiction of the finished product.

Floor plans are intended to give a general indication of the proposed layout only. All equipment including but not limited to fire extinguishers and emergency lighting are the recommended locations only, the Client is responsible to ensure they are located & installed in accordance with regulation. All images and dimensions are not intended to form part of any contract or warranty. All interested parties must themselves verify their accuracy.

Every attempt has been made to gain access to all areas. The following areas have not been accessed for the following reasons: access to parts of basement was restricted due to locked doors.

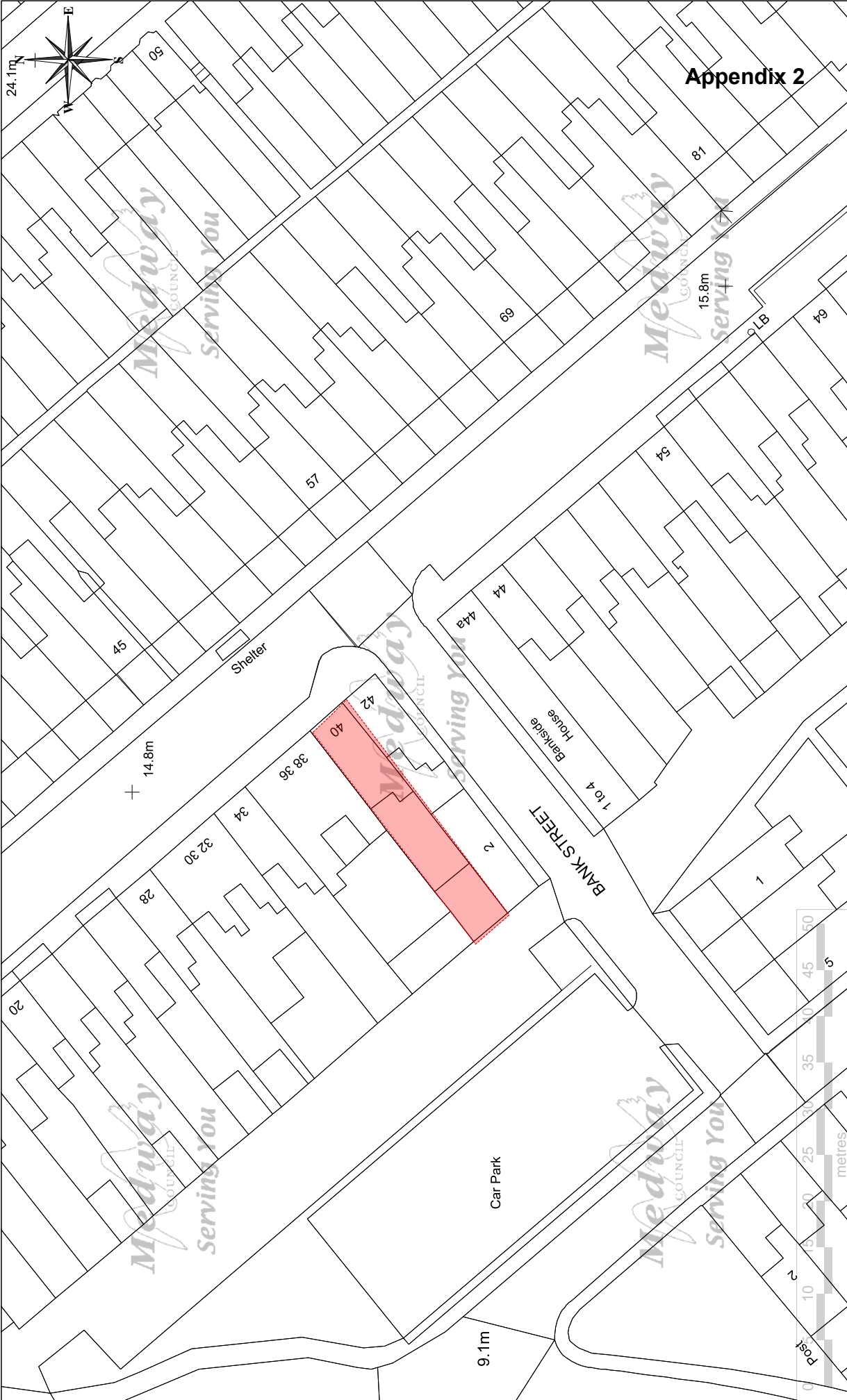
Area	sq ft	sqm



Westminster Business Centre
 Printing House Lane
 Hayes
 UB3 1AP
 W: lqaa.co.uk E: info@lqaa.co.uk
 T: 020 8123 690 M: 0750 222 4452

Client:
 Tops Pizza
 40 Luton Road
 Chatham
 ME4 5AA

Title: 40 Luton Road, Chatham	
Drawn By: RS	Date: 5 October 2018
Scale: 1:50 @ A3	Drawing No.: 001



Appendix 2

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)

Details of person making representation	
Name of Chief Officer of Police	Chief Superintendent Wilson
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.pnn.police.uk
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
Licensing Officers	Dan Hunt 01634 792388 Chris Hill 01634 792276 Clare Cossar 01634 792411 Diane Holroyd 01634 792343
Details of premises representation is about	
Name of Premises:	Tops Pizza
Address of premises:	40 Luton Road Chatham Kent ME45AA
Date application received by police	6 th November 2019
Date representation sent to Licensing Authority	28 th November 2019
<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 is not permitted to operate beyond 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.

In November 2018 Kent Police submitted representations and were opposed to a similar application relating to the granting of a premises licence at this location made by the same applicant.

Whilst the applicant has detailed a number of steps that they intend to undertake 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 00:00 (midnight) Monday - Thursday

23:00 to 01:30 Friday - Saturday

23:00 to 00:00 (midnight) 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 remains a priority area for Medway Police due to the high levels of crime and anti-social behaviour occurring. 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. It is the understanding of Kent Police that there are now plans for the immediate area to become further residential with a former estate agents, pub and furniture store being converted into residential properties.

Whilst it is apparent that the applicant has taken note of some of the issues and concerns raised by Kent Police during the previous application process, Kent Police are once again opposed to the granting of this licence.

A planning application submitted to Medway Council on 15th 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. It is the understanding of Kent Police that to date there has been no change regarding the planning regulations and restrictions for this premises. 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.

An internet search regarding the opening hours of the premises suggests possible opening times beyond permitted hours. A search on the "Just Eat" site (search conducted 28/11/2019) suggests that the premises opens Monday to Thursday until 02:00 and Friday to Sunday until 03:00. This same site also suggests that the premises sells 3 different types of alcoholic lager. If accurate, this would put the premises in breach of both licensing and planning law/regulations and is very concerning to Kent Police.

At approximately 23:30 on Saturday 23rd November 2019 the premises were contacted by an officer from Kent Police Licensing who asked if he could place an order for a pizza. The staff member was willing to take the order and asked if it would be for collection or delivery. The officer stated that it would be for collection and advised that he would choose his pizza and order on his arrival. At approximately 23:40 the officer attended the premises. Having driven past the premises and before parking, it was noted that there was a person stood on the customer side of the counter. By the time the officer entered the premises the presumed customer was no longer in the premises. All lights to the premises were illuminated including the external "TOPS PIZZA" sign. The "Open" sign was displayed in the window and the main door to the premises was unlocked with no restriction for customer entry. The ovens remained on and it is the opinion of Kent Police that premises was open and trading illegally. When challenged, the staff member on duty was argumentative and denied previously stating the premises was open claiming that he had told the officer on the phone that the premises was closed. The staff member later tried to justify the situation by suggesting that it was only a minor issue due to it being only 30-40 minutes after hours. A request was made to view the CCTV within the premises but staff were unable to use the CCTV system. The officer was advised that only head office had access to the CCTV.

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.

Further to the above, the road immediately to the front of the premises is restricted and controlled by double yellow lines, therefore the parking of vehicles is not permitted. Any parking of delivery vehicles at this location would likely cause a nuisance and be considered a public safety concern. A search of the address on the internet and images provided by google maps (search conducted 28/11/2019) clearly shows a "Tops Pizza" sign written vehicle illegally parked on the double yellow lines directly outside of the premises.

Should a premises licence be granted, Kent Police have no faith in the ability of premises to uphold the licensing objectives or to adhere to any imposed premises licence conditions. Representations previously submitted by Kent Police in 2018 clearly opposed the granting of a licence, but requested the consideration of premises licence conditions in the event that a licence was granted. It is thought that this new premises licence application has simply been amended to reflect the previously proposed police conditions, not because the premises has researched and demonstrated their knowledge of the local area or undertaken

their own enquiries to inform the content of their application, but have simply done so in the hope that Kent Police would not make representations on this occasion.

Having fully considered this application and giving regard to the concerns mentioned above, Kent Police request that this premises licence application be refused.

PC Hunt 11044
PP. Ch. Supt Wilson
North Division Area Commander

Date: 28th November 2018

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

Name and address of premises

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

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

- The prevention of crime
- 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 sub-divided into premises of multiple occupation. This is one of the most densely residential areas in Medway, as well as being one of the most deprived, with all the population in the most deprived quintile. 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/mqConvert2PDF.aspx?ID=3440&T=10>) is relevant to this application. There is strong evidence of high and unacceptable levels of 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 nuisance in the more general area.

This applicant made similar representations for this premises in November 2018, which public health also made representations on, opposing the increase in hours.

While the applicant has made some attempt to address the issues raised in the previous application The Director of Public Health still feels the licensing objectives will not be promoted if this application is granted.

The Prevention of Crime

While carrying out research in preparation for these representations an online search on the premises was carried out.

It was discovered all the advertised opening hours on 5 web sites, including the premises own (shown in Appendix B), while not consistent, are consistently over 2300 hours, making the premises in breach of both planning and licensing authorisations. Attached are the current hours permitted by planning:

'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 unless otherwise agreed in writing by the Local Planning Authority'

The premises own web site shows the hours of trading are in excess of those above on three days of the week. In addition, on several of the sites, alcohol is advertised for sale, which the premises is not authorised to sell.

This may indicate a disregard of the law and could bring into question the trustworthiness of the applicant.

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 residents from noise generated by late-night premises such as hot food and takeaway businesses is concerning.

Late-night noise is often unsettling. 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. Ongoing or intermittent exposure to these factors, have been demonstrated to cause significant impact on the physical and emotional wellbeing of individuals.

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 takeaway.** 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 Director does not think it unreasonable that a takeaway premises with later opening hours, even if it's for delivery only, in a residential location has the potential to add to public nuisance in the immediate and wider area.

Summary

This application does not directly acknowledge the issues this area has with public nuisance. There is the potential for an increase in behavioural and situational noise and nuisance that will arise during the later hours due to the increase in trading hours, which cannot be addressed by the proposed conditions. This raises questions of just how the applicant intends to promote the licensing objects. It is the opinion of the Director of Public Health, the mitigation offered in the operating schedule would do little to address the serious concerns the Authority has expressed in the Statement of Licensing Policy.

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.

There is evidence to suggest the premises is already opening in excess of the hours allowed under both planning and licensing. There is also evidence indicating that the premises may be offering alcohol for sale, for which there is no premises licence. This may show a disregard for the law and brings into question the trustworthiness of the applicant to adhere to any future authorisation concerning hours of opening and the offer of a 'delivery only' service.

While the conditions offered refer to a delivery only service after 2300 hours, it is still reasonable to assume that noise and disturbance will add to the already high levels of public nuisance in this area and the prevention of public nuisance licensing objective will not be promoted. The Director therefore asks the committee to refuse the application.

James Williams

Date 2nd December 2019

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

Appendix A

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





Appendix B – advertised opening times and advertised alcohol sales.

By continuing to use the Tops Pizza website, you agree to our revised Privacy Policy. [Find out more](#) [Or get it](#)

Tops Pizza [Home](#) [Menu](#) [Offers](#) [Contact Us](#) [Help](#)

HOME ALONE DEAL
ANY PIZZA AND GARLIC BREAD + A CLASSIC OR CHICKEN SIDE **£14.99**

Available to download or buy now On Blu-ray™ & DVD from 12th August

— POPULAR PIZZA DEALS —

- Party Pack** Medium £7.99
- Two of Us** Medium £21.99
- Hungry Man** Large £26.99
- Home Alone** Medium £14.99

— STORE DETAILS —

40 Luton road, Chatham ME4 5AA
0163 440 6040

PIZZA DELIVERY AND TAKEAWAY DEALS IN CHATHAM.

Mon	11:00, 23:00
Tue	11:00, 23:00
Wed	11:00, 23:00
Thu	11:00, 23:00
Fri	11:00, 00:00
Sat	11:00, 00:00
Sun	11:00, 23:00

TOPS PIZZA DELIVERY IN CHATHAM
Tops Pizza Chatham have a fantastic pizza delivery service. Our friendly delivery drivers deliver your pizza hot and fast, direct to your door in and around Chatham.

LEAD A LAZZY LIFE FROM TOPS PIZZA CHATHAM
If we don't deliver to your home from our store in Chatham, why not pop in for a takeaway pizza? Our friendly staff look forward to getting your takeaway order at our pizza store in Chatham.

Tops Pizza's own site shows opening hours to midnight on Friday and Saturday

Mon	11:00, 23:00
Tue	11:00, 23:00
Wed	11:00, 23:00
Thu	11:00, 23:00
Fri	11:00, 00:00
Sat	11:00, 00:00
Sun	11:00, 23:00

40 Luton road,
Chatham
ME4 5AA

0163 440 6040

We are hiring

https://www.just-eat.co.uk/restaurants-topspizza-chatham

Categories

- Pizzas
- Special Offers
- Pizzas
- Chicken Sides
- Ribs
- Dips
- Deserts
- Drinks
- Wine
- Alcoholic Drinks

485 reviews of Tops Pizza

Robert ★★☆☆☆

David ★★★★★

Lorice ★★★★★

Terry ★★★★★

Lacey ★★☆☆☆

Descriptions

Opening hours

Monday	11:30 - 02:00
Tuesday	11:30 - 02:00
Wednesday	11:30 - 02:00
Thursday	11:30 - 02:00
Friday	12:30 - 03:00
Saturday	12:30 - 03:00
Sunday	11:30 - 03:00

Description

Welcome to Tops Pizza located on Luton Road, Chatham, where they have a variety of food on their menu. If you have had a difficult day at work and want to relax then order a takeaway online with JUST-EAT for delivery or collection and take a night off. [Read more](#)

Please inform a staff member when placing your order of any allergic reaction you may have to products on our menu. Our products may contain nut derivatives. Although every care is taken in preparation our meat products may contain bones

Opening hours

Monday	11:30 - 02:00
Tuesday	11:30 - 02:00
Wednesday	11:30 - 02:00
Thursday	11:30 - 02:00
Friday	12:30 - 03:00
Saturday	12:30 - 03:00
Sunday	11:30 - 03:00

Just eat site – shows opening hours in excess of permitted hours for both licensing and planning. Alcohol is also being advertised for sale. The premises does not have a premises licence.

https://www.just-eat.co.uk/restaurants-topspizza-chatham/menu#268

Categories

- Pizzas 1.5L 22.99 +
- Special Offers
- Pizzas
- Chicken Sides 0.22L 6.99 +
- Chicken Sides
- Ribs
- Dips
- Deserts 1.5L 22.49 +
- Drinks
- Wine
- Alcoholic Drinks
- Red Wine
- 75cl 21.99 +
- White Wine
- 75cl 21.99 +
- Alcoholic Drinks
- Stout/Beer 1664 13.99 +
- Bevewiser 13.89 +
- Stella Arctis 13.99 +

Checkout

If you or someone you're ordering for has a food allergy or intolerance, click here

Delivery starts at 11:35 Collection starts at 11:30

There are no items in your basket

If you or someone you're ordering for has a food allergy or intolerance, click here

Tops Pizza

♥ Chatham, ME4 ♥ 45 other Pizza takeaways nearby

★★★★☆ (41)

40 Lufon Road
Chatham, ME4 5AA

Order on Just Eat.co.uk

Order on Deliveroo.co.uk

Phone 01634496040




Menu

Special Offers

- | | |
|--------------------------------------|----------------------------------|
| Hungry Man | The Great Double (Medium) |
| The Great Double (Large) | The Great Double (Supersize) |
| Home Alone (Medium) | Home Alone (Large) |
| Party Pack (Medium) | Party Pack (Large) |
| Party Pack (Supersize) | Wicked Weds (Only on Wednesdays) |
| Thursday Special (Only on Thursdays) | Giant 18" Pizza |
| (Giant 18" Pizza) | |

Ratings and reviews

Rating (1-5)

Wine

Red Wine (75cl)

White Wine (75cl)

Alcoholic Drinks

Kronenbourg 1664
Stella Artois

Budweiser

Photos



Tops Pizza - Chatham

Food delivered in following postcodes in or around Chatham:

Serving Pizza, Chicken

Opening Hours:

- Monday 11:30-02:00
- Tuesday 11:30-02:00
- Wednesday 11:30-02:00
- Thursday 11:30-02:00
- Friday 12:30-03:00
- Saturday 12:30-03:00
- Sunday 11:30-03:00

Order takeaways site— shows opening hours in excess of permitted hours for both licensing and planning.

https://deliveroo.co.uk/menu/chatham/chatham/tops-pizza-chatham#

Home / Chatham / Tops Pizza

Tops Pizza - Chatham

★★★★ 4.36 ratings

Italian · Pizza · Opens at 11:00 · 40 Luton Road, Chatham, ME4 5BA View map

Restaurant info
Allergens, hygiene rating and more

Delivered by Tops Pizza
This means you won't be able to follow your order or get live updates

Special Offers Small Pizzas (4 Slices) Medium Pizzas (8 Slices) More

Go to Checkout

Tops Pizza isn't currently accepting orders

Your basket is empty

Special Offers

<p>Hungry Man Any large pizza, garlic bread & a bottle of soft drink. £18.99</p>	<p>The Great Double (Medium) Any 2 medium pizzas. £18.99</p>
<p>The Great Double (Large) Any 2 large pizzas. £21.99</p>	<p>The Great Double (Supersize) Any 2 supersize pizzas. £23.99</p>
<p>Home Alone (Medium) Any medium pizza, garlic bread & classic or chicken side. £17.99</p>	<p>Home Alone (Large) Any large pizza, garlic bread & classic or chicken side. £21.99</p>
<p>Party Pack (Medium) Any 3 medium pizzas. £26.84</p>	<p>Party Pack (Large)</p>

Deliveroo – while the site does not show opening hours it does advertise the sale of wine and beer.

https://deliveroo.co.uk/menu/chatham/chatham/tops-pizza-chatham#

Special Offers Small Pizzas (4 Slices) Medium Pizzas (8 Slices) Drinks Go to Checkout

£2.49 £0.70

Mineral Water (1.5L) Coke Zero (0.33L)
£2.49 £0.99

Fanta (1.5L)
£2.49

Wine

Red Wine (75cl) £11.99	White Wine (75cl) £11.99
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Alcoholic Drinks

Kronenbourg 1664 £3.99	Budweiser £3.99
Stella Artois £3.99	

Your basket is empty

https://www.google.co.uk/search?sxsrfr=ACYBGNQBAsB2U-jsN242avcO7NJ0scJxww%3A1574677524180&source=hp&ei=eKzbXbSqCKXosAfuHl

luton road, chatham

Maps News Images Shopping More Settings Tools

0 results (0.46 seconds)

livery, Takeaway And Deals In Chatham ... - Tops Pizza
pizza.co.uk › chatham
d, Chatham ME4 5AA. 01634 406040. We are hiring. Pizza delivery and
als in Chatham. chatham ...
this page 3 times. Last visit: 24/11/19

Search for


Search results for "pizza go go", "pizza hut", "just eat"

line With Tops Pizza: Pizza Delivery, Takeaway And ...
pizza.co.uk
y, Great Value And Great Service. Pizza And More Delivered To Your Door In Britain;
For Fast Delivery.

Store from the list - Order Online With Tops Pizza
pizza.co.uk › stores
3 Battersea Park Road, Battersea 020 7738 8055. Billericay, 177 Western ...
Luton road, Chatham 01634 406040. Crawley, 17 The ...
this page on 17/11/19.

za in Chatham - Order from Just Eat
just-eat.co.uk › ME4 Chatham
Rating: 5.6 - 482 votes
Welcome to Tops Pizza located on Luton Road, Chatham, where they have a
d on their menu. If you have had a difficult day at work ...
this page 4 times. Last visit: 24/11/19

za restaurant menu in Chatham - Order from Just Eat



Tops Pizza

Website Directions Save

3.8 ★★★★★ 30 Google reviews
£ · Pizza delivery

Address: 40 Luton Rd, Chatham ME4 5AA

Hours: Monday 11am–11:30pm
Tuesday 11am–11:30pm
Wednesday 11am–11:30pm
Thursday 11am–11:30pm
Friday 11am–11:30pm
Saturday 11am–11:30pm
Sunday 11am–11:30pm

Suggest an edit

Phone: 01634 406040
Menu: topspizza.co.uk
Order: topspizza.co.uk, deliveroo.co.uk

Suggest a

Know this

Google – shows opening hours in excess of permitted hours for both licensing and planning.

Tops Pizza

Website Directions Save

3.8 ★★★★★ 30 Google reviews
£ · Pizza delivery

Address: 40 Luton Rd, Chatham ME4 5AA

Hours: Monday 11am–11:30pm
Tuesday 11am–11:30pm
Wednesday 11am–11:30pm
Thursday 11am–11:30pm
Friday 11am–11:30pm
Saturday 11am–11:30pm
Sunday 11am–11:30pm

Suggest an edit

Phone: 01634 406040
Menu: topspizza.co.uk
Order: topspizza.co.uk, deliveroo.co.uk

Suggest an edit · Manage this listing

Decision Notice

MC/13/2983



Serving You

Mr P Gibson
P A Gibson Design and Draughting
131 Trafalgar Street
Gillingham
Kent
ME7 4RP

Housing and Regeneration
Regeneration, Community and Culture
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR
Telephone: 01634 331700
Facsimile: 01634 331195
Minicom:01634 331300

App's Name Mr Hussain

TOWN & COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2010

Proposal: Change of use to A5 hot food takeaway together with installation of extract riser, retention of new shopfront and installation of new roller shutter (mixed style pinhole with 1m vision panel)

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

Notification of Grant of Planning Permission to Develop Land.

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS GRANTED PERMISSION for the development of land as described above in accordance with your application for planning permission received complete on 20 November, 2013.

SUBJECT TO THE CONDITIONS SPECIFIED HEREUNDER:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan and Block Plan received 20 November 2013,
LR-0649-001 Rev A received 16 December 2013, and
LR-0649-002 Rev B received 19 December 2013.
Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 No deliveries or refuse collection shall take place outside of the hours of 0700 hours and 1900 hours Mondays to Fridays and 0800 hours to 1900 hours on Saturdays and Sundays, and these shall only be carried out at the rear of the property.

Reason : To ensure protection of neighbours' amenities from noise and disturbance and to avoid peak hours of operation of the food-delivery vehicles for reasons of highway flow, to accord with policies BNE2 and T1/T2 of the Medway Local Plan 2003.

- 3 No commercial goods shall be loaded, unloaded, stored or otherwise handled within the application site outside the hours of 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday and at any time on Sunday or Bank Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policies BNE2 and R18 (i) and (iii) of the Medway Local Plan 2003.

- 4 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 The extraction and ventilation system shall be carried out in accordance with the approved details received on 20 November 2013 and maintained as such thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of amenity Policy BNE2 of the Medway Local Plan 2003.

- 6 Within 3 months of the date of this permission the alterations to the front roller shutter shall be carried out in line with the details herein approved. The front roller shutter shall be maintained as such thereafter.

Reason : To ensure the roller shutter herein permitted is acceptable in terms of its visual impact on the street scene, to accord with policies BNE1 and BNE9 of the Medway Local Plan 2003.

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

The proposals the subject of this planning application have been considered under the provisions of the Medway Local Plan 2003 (the Local Plan), most particularly Policies BNE1, BNE2, BNE7, BNE9, R10, R18, T1 and T13 of the Local Plan, and having regard to the proximity to neighbouring properties and the nature of the

occupation of those properties, the submitted application is considered to be in accordance with the above mentioned Development Plan Policies.

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;

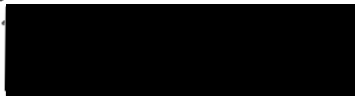
- Offering a pre-application advice service,
- Updating applicants/agents of any issues that may arise in the processing of their application,
- Where possible suggesting solutions,
- Informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- By adhering to the requirements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

In this instance;

- The applicant/agent was updated of any issues after the initial site visit.

This planning decision also relates to submitted documents;
Design and Access Statement,
Planning Statement,
Basic Extract Canopy Design Calculation & Record Sheet,
Duct Axial Fans Product Range, and
Grease Filters/Type GFBS,
received 20 November 2013.

Signed

A black rectangular redaction box covering the signature of David Harris.

David Harris
Development Manager
Date Of Notice 27 January, 2014

**TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010**

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or on-line at www.planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Decision Notice

MC/17/4356



Serving You

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

Applicant's Name Mr Annaytallah Nizi

Email:

planning.representations@medway.gov.uk

TOWN & COUNTRY PLANNING ACT 1990

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

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

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

A black rectangular redaction box covering the signature area.

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/19/2940
Date application received:	7 November 2019
Date representation sent to Licensing Authority:	25 November 2019

<p>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:-</p>	
<p>Prevention of crime and disorder <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></p>	
<p>Public Safety <i>Not Relevant</i></p>	
<p>Prevention of public nuisance <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></p>	<p>X</p>
<p>Protection of children from harm <i>Not Relevant</i></p>	

<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> <ul style="list-style-type: none"> • Monday to Saturday 10:00 to 23:00 • Sundays and Public Holidays 11:00 to 22:00 <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>
--

The applicant does not appear to have applied for Planning Permission to vary the hours subject to the licensing application. A variation outside of the opening hours approved under MC/13/2983 would require the benefit of planning permission. Any variation to these hours could have a detrimental impact on neighbouring amenities.

Suggested alterations to the application that could remedy the representation or other suggestions the Licensing Sub Committee may take into account:-

The applicant amends their operating schedule to reduce the hours as per the planning permission.

Please contact us to discuss this representation

We welcome and positively encourage discussions in relation to your licensing application. We can also advise you about submitting the relevant planning applications. These discussions can result in better quality applications that stand a better chance of a successful outcome.

If you are in agreement to amend your operating schedule to include the suggested alterations to the application.

Can you please confirm in writing by either email or a letter confirming your agreement to amend your operating schedule stating each amendment to your application. Please email licensing@medway.gov.uk and Planning (*email address on the front of this representation*). Address for licensing is below and planning address on the front of this representation.

Alternatively, please send a copy of this representation to both licensing and planning and sign to confirm that you are in agreement to the amendments:

I agree to amend my operating schedule as per the suggested alterations to the application as recommended by Planning.

Signed:

Name:

Date:

Send to:

Licensing Unit, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR
Contact details on the front of this representation.

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 last year a similar 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 00:00 on Mondays to Thursday (inclusive), from 23:00 to 00:00 Sundays and Public Holidays and from 23:00 to 01:30 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 delivery drivers and potential 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 feel the provision or steps proposed by the applicant to the extension of hours to mitigate the risk of this type of nuisance occurring are not wide enough reaching and purely localised to the shop front. Looking at the internet presence for Top Pizza currently there is conflicting times of closing. If we take Saturday as an example it says

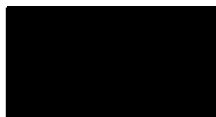
Closing time of 00:00 on their website <https://topspizza.co.uk/chatham> and on their Just Eat Page <https://www.just-eat.co.uk/restaurants-topspizza-chatham> 03:00.

To add directly outside the premises is double yellow lines but yet on one of the intended steps to promote the licensing objective says '*Vehicles used for delivery must switch of their engines when waiting outside of the Premises for the collection of food for delivery.* The High Way Code Rule 238 states. *You MUST NOT wait or park on yellow lines during the times of operation shown on nearby time plates (or zone entry signs if in a Controlled Parking Zone) – see 'Traffic signs' and 'Road markings'.* Double yellow lines indicate a prohibition of waiting at any time even if there are no upright signs. Surely they should not be parked outside the premises (as we often see them do), so where will they be parking and what will its impact be on the surrounding area?

We would still expect that consideration will be given to keep hours as they are or adding stricter conditions given that since there last application with the conversion of the Raglan pub to an house of multiple occupancy there has been an increase in the number of residential buildings close by since their last application.

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
Arches Local "Big Local" Coordinator
Mob: ([REDACTED])