

MEDWAY COUNCIL
Responsible Authority
Objection Notice

Responsible Authority	Environmental Health
Name of Officer	Kelly Payne
Date of Representation	20.3.23

Name of Applicant	Mohabat Khan
Premises Name	Super Pizza
Address of Premises	6 Batchelor Street, Chatham, Kent, ME4 4BJ

Objective 3
Public Nuisance

This type of application is likely to give rise to noise from use of the premises as a pizza restaurant and take away and noise from patrons and their vehicles using the premises into the morning hours.

Perfect Pizza is situated in a commercial street with residential units directly above the premises, above adjacent premises and in close proximity to it. Planning consent has also been granted for other residential properties in Batchelor Street. There are no complaints of noise from the premises on record.

The current opening hours on their licence are Sunday to Thursday 11:00 to 01:00 and Friday to Saturday 11:00 to 02:00.

This application seeks a blanket application to allow the opening hours of Monday to Sunday 11:00 to 05:00.

The proposed extended hours and the subsequent noise likely to be caused by use of the kitchen/restaurant, including the extraction system, patron noise from using the premises and their vehicles as well as those of delivery drivers at such times in the morning are not considered acceptable due to the proximity of residential properties in the area.

Experience tells us that noise generated from the comings and goings of customers and their vehicles is likely to cause a public nuisance (in licensing terms) to local residents. This is particularly problematic the later the premises stays open. There is also a rear exit to the premises, which, if left open, is also likely to cause noise disturbance during the night/early mornings. It may be possible to implement stringent management practices in some cases, but even with good management, people coming to and leaving a

premises situated near to residential properties will cause some public nuisance, in addition to noise from use of the kitchen extraction system. **Therefore, I would object to the application, as the applicant has not adequately demonstrated that the extension in hours will not give rise to public nuisance.**

The applicant has provided no information to date on the control of patrons entering and leaving the premises nor on the control of noise from the use of the kitchen, including the extraction system, during extended hours. Consideration must be given to the fact that the premise is situated below residential properties and measures must be put in place to minimise its impact upon these properties.

I consider that unless adequate safeguards are in place, that the application for the increase in hours has the potential to lead to an unacceptable increase in noise and disturbance to the detriment of the amenity of residents in the locality, contrary to Section 5 of Medway Council's Statement of Licensing Policy (Which came into force on 1 May 2018).

I consider that it is necessary to strike a balance between the use of the premise as a restaurant and take away and the protection of local residents from undue disturbance. **I therefore object to the increase in the hours of opening at this time.**



Details of person or body making representation

Name of Chief Officer of Police	Chief Superintendant White 15754
Postal Address: (Area Headquarters)	C/O Medway Police Station Purser Way Gillingham
E-mail address	daniel.hunt@kent.police.uk
Telephone Number:	01634 792388

Details of premises representation is about

Name of Premises:	Super Pizza
Address of premises:	6 Batchelor Street Chatham ME44BJ
Date application received by police	23 rd February 2023
Date representation sent to Licensing Authority	21 st March 2023
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22</i>	

The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 34 Licensing Act 2003, and under Section 35 of that Act asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

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

The relevant representations within the meaning of S.35(5) of the Licensing Act satisfy the requirements of S.35 (6) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

Please see continuation page entitled "Representations Super Pizza"

Please use separate sheets where necessary

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary. Consider s106 Licensing Act 2003.

Please see continuation page entitled "Representations Super Pizza"

Signed: _____

Date: 20/03/2023

Print name: PC HUNT 11044

Force Number: 11044

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

Representations Super Pizza

Please consider this continuation page as Kent Police representations regarding the granting of a full premises licence variation of Super Pizza, 6 Batchelor Street in Chatham ME44BJ

Super Pizza operates as a Pizza takeaway restaurant located within the heart of Chatham town centre. The premises is currently licenced to offer the facility of Late-Night Refreshment (off the premises) Sunday to Thursday 23:00 to 01:00 and Friday to Saturday 23:00 to 02:00. The current premises licence is conditioned with a CCTV condition, and further condition that that the premises may not open after 23:00 until such time as planning consent has been granted by the planning authority. It is our understanding that this planning permission was granted until 02:00.

If granted this full variation would allow the premises to conduct Late-Night Refreshment Monday to Sunday from 23:00 to 05:00. A licence to supply hot food and drink outside of these timings is not required and therefore in theory this premises could then operate as a fast-food takeaway service 24 hours a day.

At this stage, Kent Police are opposed to this application. Our representations relate to 2 licensing objectives namely:

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

Medway Council statement of licensing policy section 5.19 references premises operating hours and suggests that proximity to residential areas and the possible disturbance of resident rest, relaxation and sleep would be of concern to the licensing committee. It details that effect of noise is greater at night when ambient noise levels are lower, and people are at home relaxing and sleeping. Whilst the immediate area does not currently have much residential living, the area is under regeneration with building works already underway for flats and housing in the immediate area to this premises. The most noticeable development is no more than 60 yards away from this premises, a multi-storey block of flats currently under construction on the corner of Batchelor Street junction with The Brook, opposite the Halfords store. In addition, a check conducted on Medway Council website would suggest a planning application was submitted in February 2022 for residential premises comprising of a 5-storey building (4 x one-bedroom flats and 10 x two-bedroom flats) on the land to the rear of 247-253 High Street Chatham and 1-5 Batchelor Street. The status of this application is shown as "undecided". A further planning application appears to have been submitted in March 2023 for a commercial unit to the rear of 4 Batchelor Street to be converted into 6 x studio flats, we do not know the status of this application either. If granted, these residential premises would again be only a matter of yards away from the premises.

In addition to the above, whilst we understand planning applications have not been submitted, there is strong suggestion that numerous local derelict properties in the immediate area are being considered for residential development including the former Buzz Bingo site on High Street, Go outdoors centre on The Brook, Debenhams store High Street

and NCP carpark. It is therefore apparent that levels of residential properties in the immediate area are likely to increase. The application makes no suggestion that such matters have been considered and no conditions have been offered or set that would help alleviate any potential effects that such a late-night opening premises could have on nearby residents.

Section 5.33 of Medway Council statement of licensing policy states that if the hours of licensable activity sought are beyond 23:00 Sunday to Thursday or beyond 02:00 Friday and Saturday, the authority would expect to see the operating schedule to propose specific measures to address concerns and if they are not, it is likely that that the extended hours would be refused.

Section 5.60 of Medway Council statement of licensing policy states that fast food and takeaway premises which are open beyond 23:00 can attract customers who may have consumed alcohol in pubs, bars and clubs. This could lead to crime, noise and disturbance particularly when the premises are located in residential areas. Additionally, consumption of food and drink in areas outside a premises can often lead to food waste and litter, amounting to a public nuisance.

Whilst the current operation of the premises causes Kent Police little or no concern, the request for additional hours heightens concern with regards to a likely increase in intoxicated customers frequenting the premises from nearby late-night premises and night clubs.

Section 5.61 of Medway Council statement of licensing policy suggests that such issues are of particular concern in cumulative impact and stress areas. This premises is located within the Chatham High Street CIP.

Section 5.63 of Medway Council statement of licensing policy suggests that generally late-night fast-food restaurants will be expected to operate until midnight Sunday to Thursday and 02:00 Friday to Saturday. The current licence already exceeds these suggested hours Sunday to Thursday.

Section 5.66 of Medway Council statement of licensing policy states that when considering applications for this type of premises, the authority will consider the likelihood of crime and public nuisance from activities late at night, particularly if the premises are in a residential area or on a route away from late night licenced premises, or close to late night licenced premises. It is worthy of note that located only a short walk away on Railway Street in Chatham is a nightclub premises that is licenced and permitted to operate daily until 04:30. The nightclub premises in question opens regularly into the early hours each Friday, Saturday and Monday. It is highly probable that if this application were to be granted that the premises would attract customers from the nightclub, many of which are likely to be intoxicated.

Section 5.67 of Medway Council statement of licensing policy again states that the licensing authority will expect an application and operating schedule to include proposed specific measures to mitigate risk and concerns. If they are not proposed, it is likely that extended

hours will be refused and that the authority will consider restricting the hours of operation of fast food and takeaway premises to ensure closure before pubs and clubs in the area so that the premises does not become a focal point for disturbance and nuisance.

Further to the above, it is our understanding that no application has been submitted by the applicant to vary the current permitted planning restrictions. Should this variation be granted, and the premises operate to the full extent of the premises licence, without a change in planning consent, they would commit an offence.

With no offered or proposed conditions to mitigate risk and negate concern, and with the current premises licence effectively having just a CCTV condition, Kent Police are concerned that the premises could fall short in fully promoting the licensing objectives. As currently applied, Kent Police do not support the application and would respectfully request that it not be granted.

Should an extension of licenced hours be granted, Kent Police would respectfully request consideration that the following conditions be added to the licence:

Planning

The premises may not open after 01:00 Sunday to Thursday or after 02:00 Friday to Saturday until planning consent has been applied for and granted by the planning authority.

SIA door supervision

From 23:00 until 05:00 Friday to Monday the premises will employ a minimum of 1 SIA door supervisor

Minimum staffing levels

From 23:00 until 05:00 a minimum of 2 staff members must be on duty within the premises. Any SIA door supervisors employed at the premises will be in addition to the 2 staff members on duty

Litter

The pavement area outside the premises will be swept or cleared of litter regularly

Notices

Notices requesting customers and delivery drivers to leave the premises quietly and respect local residents shall be displayed prominently within the premises.

CCTV

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.

1. Cameras shall record all ingress and egress to the premises, fire exits and all areas where the sale and supply of late-night refreshment occurs.

- 2. Equipment must be maintained in good working order, with recordings correctly time and date stamped. Recordings MUST be kept in date order, kept for a period of 31 days and handed to police and authorised officers on demand.**
- 3. The premises licence holder must ensure at all times a DPS or appointed member of staff are on the premises and are capable and competent at downloading CCTV footage in a recordable format to the police and local authority on reasonable request.**
- 4. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.**
- 5. An operational daily log report must be maintained and endorsed by signature, indicating the system has been checked and is compliant. In the event of any failures, any action taken is to be recorded.**
- 6. 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.police.uk).**

Delivery

From 01:00 to 05:00 Sunday to Thursday and 02:00 to 05:00 Friday to Saturday, the premises will operate a home delivery service only. Customers will not be permitted access into the premises during these hours.