

**REPORT ON APPLICATION FROM ALL DAYS CUISINE  
AYLESBURY, UNDER THE LICENSING ACT 2003 FOR A  
PREMISES LICENCE TO BE GRANTED**

**1. THE APPLICATION**

Applicant(s): Mr Mohammed Naim

Premises: All Days Cuisine, 33 New Street, Aylesbury, Buckinghamshire,  
HP20 2NL

**1.1 New Application**

The application is for a new Premises Licence under section 17 of the Act. The detail in respect to the hours and activities applied for are set out in the application form, attached as Appendix 1.

The steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule (see appendix 1, Part P of application form).

In an effort to clarify the proposed permissions these are set out in Appendix 2. A location plan is attached as Appendix 5.

**2. RELEVANT REPRESENTATIONS**

**2.1 Responsible Authorities**

**Thames Valley Police – No representation**  
**Environmental Health – A representation was submitted by**  
**Environmental Health. A copy of the representation is attached as**  
**Appendix 3.**

**Planning – A representation was submitted by Planning. A copy of the**  
**representation is attached as Appendix 4.**

**Bucks Fire and Rescue – No representation**

**Trading Standards – No comment**

**Area Child Protection Committee – No comment**

**2.2 Interested Parties**

We did not receive any representations during the consultation period from interested parties.

**3. NOTICE OF HEARING AND RESPONSES**

All parties were served Notices of Hearing on receipt of the representation along with the document, 'Licensing Act 2003 – The Procedure to be followed

at Hearings'. The parties have therefore been notified of the consequences of failing to attend.

No further submissions have been received to date following service of the Notice of Hearing. Members will be notified of any further responses at the hearing.

#### **4. GENERAL INFORMATION**

The general information Members need to have regard to when determining applications made under the Licensing Act 2003 is set out in a separate document which is attached to the Agenda under cover of which this report has been published.

#### **5 ISSUES RAISED BY THE APPLICATION**

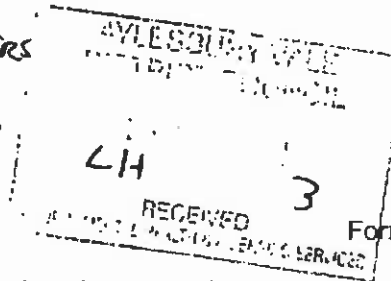
The issues raised by the application are for the Sub-Committee to determine having regard to all the relevant considerations. Whatever, the Sub-Committee decides, it must give reasons.

To assist Members and the parties further, The Licensing Services Manager will draw attention to any issues arising from this application at the hearing.

Contact Officer	Peter Seal 01296 585083
Background Documents	None

E110  
HAVE THEIRS

R23/12/00233



Cheque Banked  
3/2/12  
£100000

Aylesbury Vale District Council

Form LA04 (01/11)

COMMENTS TO LICENSING BY  
27 FEB 2012

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

Re-Served 1st  
24/2/2012

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are 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 MOHAMMED NAIM  
(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	
33 NEW STREET ALL DAYS CUISINE	
Post town	AYLESBURY, BUCKS
Post code	HP20 2NL
Telephone number at premises (if any)	01296-330042 & 482277
Non-domestic rateable value of premises	<del>£2,000</del> £7,900

Part 2 - Applicant Details

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  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:

Please tick yes

- 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
  - o statutory function or
  - o 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			First names		
NAIM			M OHAMMED		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		[REDACTED]			
Post Town	[REDACTED]				
Daytime contact telephone number	[REDACTED]				
E-mail address (optional)	atlas@scarstaxi@yahoo.co.uk				

**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		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
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

A-SAP-Now

When do you want the premises licence to start?

Day		Month		Year	
0	0	0	0	0	0

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

N/A

Day		Month		Year	
0	0	0	0	0	0

Please give a general description of the premises (please read guidance note 1)

Take Away premises

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- 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 entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur								
Fri						<b><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></b> (please read guidance note 5)		
Sat								
Sun								

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)					
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur						<b><u>Non standard timings. Where you intend to use the premises</u></b>		



			<p><b>for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</b></p>
Fri			
Sat			
Sun			

**D**

<p><b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)</p>			<p><b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<p><b>Please give further details here</b> (please read guidance note 3)</p>		
Tue					
Wed			<p><b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)</p>		
Thur					
Fri			<p><b>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</b> (please read guidance note 5)</p>		
Sat					
Sun					

**E**

<p><b>Live music</b> Standard days and timings (please read guidance note 6)</p>	<p><b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
		Outdoors	<input type="checkbox"/>

Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)			
Tue						
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat						

Sun			
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**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)			
Mon			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)			
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			<b>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</b> (please read guidance note 5)			

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>

Tue			<b>Please give further details here</b> (please read guidance note 3)
Wed			
Thur			
Fri			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Sun			

<b>Provision of facilities for making music Standard days and timings</b> (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both</b> – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed					
Thur			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Fri			<b>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</b> (please read guidance note 5)		
Sat					

Sun			

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)</b>	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<b>Please give a description of the facilities for dancing you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here (please read guidance note 3)</b>		
Tue					
Wed			<b>State any seasonal variations for providing dancing facilities (please read guidance note 4)</b>		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sal					
Sun					

K

<b>Provision of facilities for entertainment of a</b>	<b>Will the performance of a play take place indoors or outdoors or both – please tick</b>	Indoors <input type="checkbox"/>
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similar description to that falling within l or j Standard days and timings (please read guidance note 6)			(please read guidance note 2)	Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<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 5)		
Sat					
Sun					

L

14A

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11 PM	02:30	<u>Please give further details here</u> (please read guidance note 3)		
Tue	11 PM	02:30			
Wed	11 PM	02:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	11 PM	03:30	<i>Plus 1 hour for bank holiday weekends, Xmas &amp; New Year.</i>		
Fri	11 PM	03:30	<u>Non standard timings. Where you intend to use the premises</u>		

			<b>for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)
Sat	11pm	03:30	An additional hour on Bank Holiday Weekends (Friday, Saturday + Sunday), Christmas EVE + New Years EVE
Sun	11pm	02:30	

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)
Mon				
Tue				
Wed				
Thur			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri				
Sat				
Sun				

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

N

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 8)

O

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4)</p>
Day	Start	Finish	
Mon	7:00am	<del>3:00am</del> 02:30	
Tue	7:00am	<del>02:30</del> 02:00	



Wed	7:00Am	02:30 <del>03:00</del>	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b></p> <p>AS per box L</p>
Thur	7:00Am	03:30 <del>04:00</del>	
Fri	7:00Am	03:30 <del>04:00</del>	
Sat	7:00Am	03:30 <del>04:00</del>	
Sun	7:00Am	02:30 <del>03:00</del>	

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

There will be a minimum of 2 staff after 23:00 hrs.

c) Public safety

d) The prevention of public nuisance

Noises asking customers to leave quietly and respect the Neighbourhood and to dispose of litter responsibly.  
 Staff will litter pick immediately outside the premises at regular intervals

e) The protection of children from harm

Please tick yes

- 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 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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	20/11/2012
Capacity	Applicant

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b>			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			

#### Data Protection

AVDC is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner and may use this information for any of them. We may receive information about you from other organisations, or we may give information to them. If we do it will only be as the law permits, to check the accuracy of information, to prevent fraud or detect crime, or to protect public funds.

#### 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. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.

Appendix 2

**The application relates to the provision of late night refreshment**

	Late night refreshment (indoors only)			
	Existing		Proposed	
	From	To	From	To
Monday	N/A	N/A	23 00	02 20
Tuesday	N/A	N/A	23 00	02 20
Wednesday	N/A	N/A	23 00	02 20
Thursday	N/A	N/A	23 00	03 20
Friday	N/A	N/A	23 00	03 20
Saturday	N/A	N/A	23 00	03 20
Sunday	N/A	N/A	23 00	02 20

	Open to the Public			
	Existing		Proposed	
	From	To	From	To
Monday	N/A	N/A	07 00	02 30
Tuesday	N/A	N/A	07 00	02 30
Wednesday	N/A	N/A	07 00	02 30
Thursday	N/A	N/A	07 00	03 30
Friday	N/A	N/A	07 00	03 30
Saturday	N/A	N/A	07 00	03 30
Sunday	N/A	N/A	07 00	02 30

**AYLESBURY VALE DISTRICT COUNCIL**

MEMO

To: Kerry-Ann Ashton  
Licensing Officer  
66, High Street, Aylesbury  
Ref: RQS/12/00233/LICREP

From: Lindsey Hone  
Tel Ext: 5152  
Date 28<sup>th</sup> February 2012  
Ref:

**Consultation for new premises licence under the Licensing Act 2003  
Alldays Cuisine, 33 New Street, Aylesbury, Buckinghamshire**

I have reviewed the above premises licence application and wish to make a representation regarding the application. I have concerns regarding the potential for public nuisance that the grant of the premises licence may allow.

The premises has recently been returned to use by the current operator and is operating as an eat-in and takeaway restaurant serving a variety of foods including curries, kebabs and pizza. I have visited the premises on several occasions since the new operator took it on to offer advice on structural and food hygiene requirements.

There are residential dwellings in Alexander Road in close proximity to the premises. During the day the background noise levels in this area will be fairly high because of the volume of traffic passing along New Street. At night-time the potential for noise nuisance to nearby residents from the premises becomes greater as the background noise levels drop. I am concerned that the grant of the extension of late night refreshment hours to 02.20 and 03.20 hours increases the likelihood of noise disturbance to nearby residents from the extraction and ventilation system at the premises and from people using the premises to purchase eat-in and takeaway food after the town centre pubs and clubs close.

There has been a recent complaint from residents in Alexander Road regarding noise from extraction and ventilation equipment situated at a neighbouring premises which was operating constantly and throughout the night. This demonstrates that there is a sensitivity to this type of noise in the area.

A written scheme specifying the provisions to be made for the control of noise from the extraction and ventilation system was requested as part of the planning application process for change of use from Class A3 café/restaurant to Mixed Class A3/A5 restaurant/takeaway use. As the planning application was refused this information has not been provided to the Authority.

In order to prevent public nuisance I recommend that the following conditions are considered by the applicant and Licensing Committee for inclusion on the operating schedule should the Licence be granted:

1. The premises shall not sell or supply hot food or drink past 23:00 hours until a scheme which specifies the provisions to be made for the control of noise from the extraction and ventilation system has been submitted to and approved by the Environmental Health Department. Details regarding the make, model and noise level output from the

fan as well as details regarding any silencer fitted to the extraction system shall be provided as part of this scheme.

2. All windows and doors at the premises which open to the external environment shall remain closed after 23:00 hours except for access and egress.
3. Signage shall be displayed at all exits from the premises asking customers to leave the premises quietly and to consider nearby residents.

Regards

**Lindsey Hone**  
**District Environmental Health Officer**

AYLESBURY VALE DISTRICT COUNCIL  
MEMO

To: Kerry-Ann Ashton  
Licensing Officer  
66 High Street, Aylesbury  
Your ref:RQS/12/00233/LICREP

From: Claire Harrison  
Tel ext: 01296 585471  
Date: 22nd March 2012  
Our ref: 11/01937/APP

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**Consultation for new premises licence under the Licensing Act 2003  
Alldays Cuisine, 33 New Street Aylesbury Buckinghamshire HP20 2NL**

I have reviewed the premises licence application validated on 24<sup>th</sup> February 2012 with regard to the above property and wish to make a representation regarding the application. I have concerns regarding the potential for public nuisance that the grant of the premises license may allow.

The premises is operating as a hot food takeaway use with a small amount of seating included. A planning application was received in September 2009 seeking planning permission for a change of use from Class A3 restaurant use to Class A5 hot food take away use, first floor rear extension and installation of extraction flue to side. This application was refused in November 2011 but the owner is operating the unit regardless of not gaining consent. This matter has been passed to the Enforcement Team to pursue. The applicant has not appealed the decision and has not approached the Local Planning Authority with a view to addressing any of the issues.

The application was refused for the following 3 reasons;

1. The Local Planning Authority consider that the proposed extraction flue associated with the proposed change of use, by reason of its size, position and design, would form an unreasonably prominent and intrusive feature on the building which would have a detrimental effect on the appearance of the existing building and street scene and which would be harmful to the visual amenity of the locality. It would therefore be contrary to policy GP 35 of the Aylesbury Vale Local Development Plan.
2. The Local Planning Authority consider that the proposed opening hours associated with the new use would result in issues of unreasonable noise and disturbance to surrounding residents which would be contrary to policy GP 95 of the Aylesbury Vale Local Development Plan.
3. Owing to the absence of any available onsite parking, the proposed change of use of the unit to an A5 use (hot food takeaway) would cause customers to park on the adjacent highway which is a strategic route unreasonably disrupting the safe and free flow of traffic. This represents a danger and inconvenience to both vehicles in question and road users on New Street. The proposal therefore fails to accord with Planning Policy Guidance 13 – Transport and policy GP 24 of the Aylesbury Vale District Local Plan.

Of particular relevance to this licensing application is the second reason for refusal. No.33 New Street is located on the corner of Alexander Road which is a residential street. The planning application detailed the opening hours from 0700 until midnight on Mondays – Thursdays and from 0700 hours until 0200 hours on Fridays and Saturdays and from 1600

hours until midnight on Sundays. I believe the licensing hours are in excess of those stipulated on the planning application. The proposed hours are in excess of any of those associated with the nearby commercial uses and therefore, it is considered that comings and goings of people using the premises to purchase food at the hours proposed would cause unreasonable issues of noise and disturbance and thereby public nuisance to nearby residents. In addition, the parking arrangements as noted in refusal reason 3 are not considered satisfactory; there is no stopping allowed on New Street which has double yellow lines and Alexander Road, is particularly narrow with angled parking bays on one side making manoeuvring particularly difficult. Vehicle movements taking place throughout the proposed opening times would also result in unreasonable levels of disturbance to occupiers constituting a public nuisance.

The first reason for refusal related to the appearance of the proposed flue which is required for extraction purposes. The positioning of it as shown on the plans is unacceptable in visual amenity terms but it is noted that a flue is required to deal with issues of odour. This flue has been installed regardless of the planning decision and I am also concerned that this solution is not acceptable in planning terms and therefore, another method of extraction is required and if not, this will result in issues of public nuisance for surrounding residents if it is not dealt with satisfactorily.

The use of the site for a take away is not suitable for these premises in its current form and is contrary to planning policy and therefore, it is recommended that the license application is refused.

However, should the Licensing Committee decide to grant the Licence, it is requested that a condition be attached to restrict the opening times of the premises to 2300 hours which is appropriate in a residential area to prevent issues of public nuisance. Details of the extraction equipment would also need to be supplied but which does not include the location of a flue in such a prominent position.

Regards

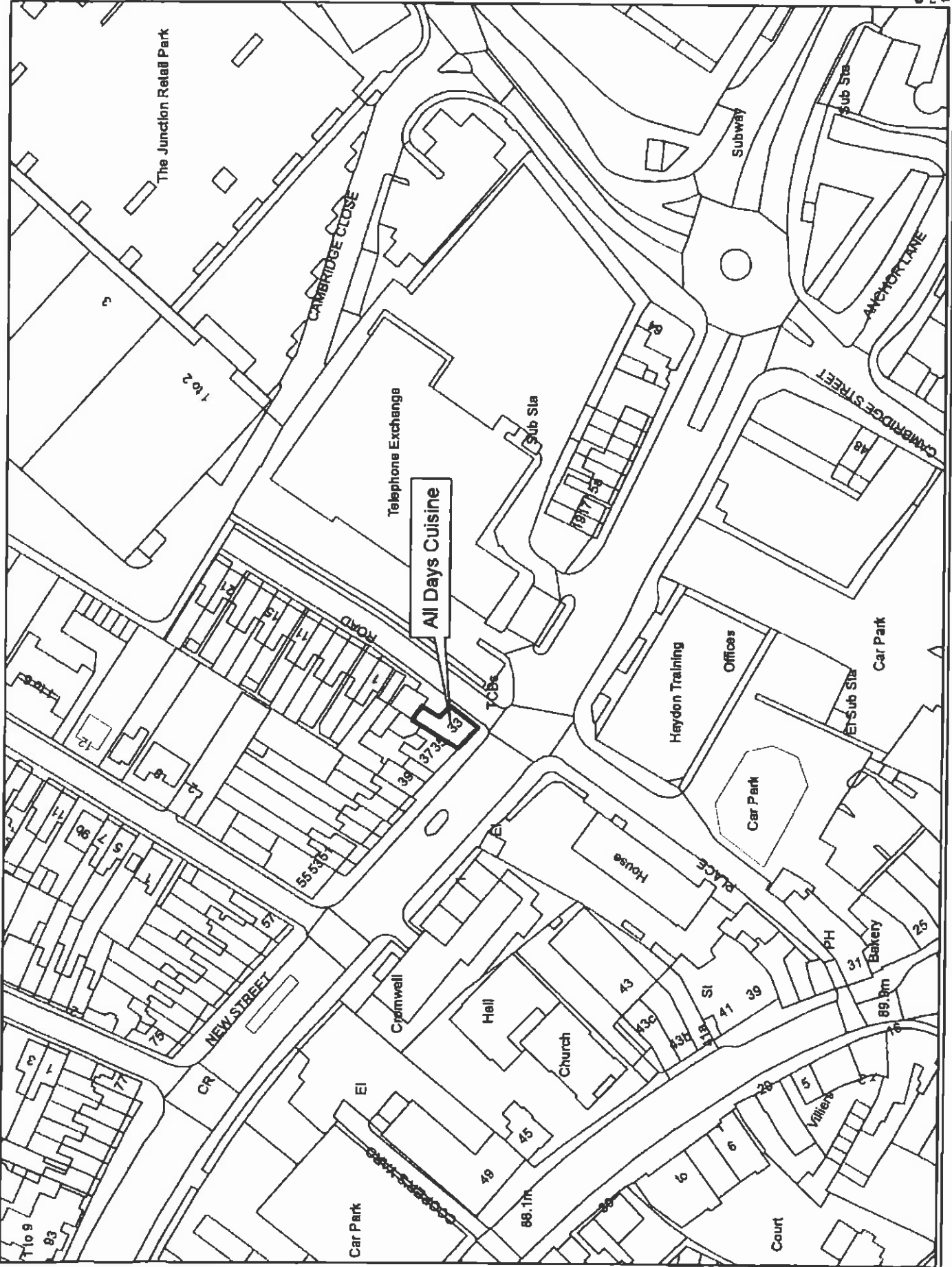
Claire Harrison  
Senior Planning Officer (East)  
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Environmental Health & Licensing

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