



APPENDIX 4

Directorate for Communities Neighbourhood Services

Licensing Team

Buckinghamshire Council

The Gateway

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Licensing Service
Buckinghamshire Council
The Gateway, Gatehouse Road
Aylesbury
Buckinghamshire
HP19 8FF

14th July 2022

Ref: LARep_104_High Street

Dear Sir/Madam

Licensing 2003

Licensing Authority Representation

104 High Street, Aylesbury HP20 1RB

I am submitting a representation on behalf of the Licensing Authority in respect of this application for a new premises licence. In drafting this representation, careful consideration has been given to the promotion of the four licensing objectives, the Council's Statement of Licensing Policy and the Secretary of State Section 182 Guidance.

This licence application is in respect of a takeaway pizza business on the ground floor of a three storey building close to Aylesbury town centre. The premises is located at the end of a small parade of ground floor commercial units, with residential dwellings above. Immediately to the west is a residential development with multiple apartments. The applicant is requesting permission for the ability to provide late night refreshment between 23:00 and midnight, Sundays to Thursday and between 23:00 and 04:00 on Fridays and Saturdays. The applicant has stated that the vast amount of the work will be deliveries.

I am concerned that given the close proximity of this premises to residential dwellings and the late hour being sought that there is a risk of increased public nuisance. I believe that it is likely that residents will be disturbed by the noise from deliveries, particularly during the later periods on Fridays and Saturdays, unless there are robust measures in place to manage these deliveries. I also have concerns that there will be increased disturbance caused by customers visiting this shop late at night. I am aware that there are very few other late night premises licensed to 4am in the vicinity and I believe this premises is likely to be a beacon for customers leaving other late opening premises in the town centre looking for refreshment.

The applicant has proposed some general measures in the application operating schedule however I do not believe these are adequate, or detailed enough, to demonstrate sufficient promotion of the licensing objectives in this instance.

In accordance with Secretary of State statutory guidance (Section 182 Guidance), paragraph 8.41, "In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. ...applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application." The

guidance goes on to explain that applicants are expected to demonstrate that they understand the local area in which they intend to operate, the risks their proposed activities pose to the local area, and any local initiatives.

The Council's Licensing Policy states, "The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises" (paragraph 3.35). "In considering all licence applications, the Licensing Authority will consider whether the measures proposed to deal with the potential for public nuisance having regard to all circumstances of the application, are adequate. In preparing applications, applicants are strongly encouraged to consider the measures set out below." (paragraph 3.36). The policy goes on to provide guidance on areas which applicants are advised to consider such as: noise escape, customer arrival, smokers, customer departure, staff departure, customer parking, public transport, location, outside areas, deliveries and waste collections, litter, lighting, complaints procedure and street drinking.

In summary, the application form, and accompanying operating schedule, do not reflect any meaningful consideration of the location of these premises and the potential adverse impact on those living in the vicinity of the premises from the provision of licensable activities. It is important that adequate safeguards are in place to ensure the licensing objectives are not adversely affected by activity associated with the provision of licensable activities. These safeguards include robust operating schedules, with appropriate conditions and licensed hours. Unfortunately, I believe the applicant has so far failed to adequately address this in their application as submitted. I would recommend that the application is refused unless the applicant is able to propose adequate additional measures to address the concerns raised in this representation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gallacher', with a long horizontal stroke extending to the right.

Simon Gallacher
Principal Licensing Officer