



APPENDIX 7

Directorate for Communities

Licensing Team

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Licensing Service
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The Gateway, Gatehouse Road
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20th April 2023
Ref: PR202303-316736

Dear Sir/Madam

Licensing 2003

Licensing Authority Representation

Grillbox Peri Peri, 1 Dashwood Avenue, HP12 3DN

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, with small dining area, on the ground floor of a two-storey building. The premises is located on the corner of Dashwood Avenue and Oakridge Road, with residential dwellings immediately to the side and rear. The area is predominantly residential with some commercially used premises in the local vicinity. The applicant is requesting permission for the ability to provide late night refreshment until 4am, seven days a week. However, the applicant has also stated that opening hours will be between 12:00 and 03:00, seven days a week. It is assumed that the applicant intends to carryout deliveries only between 3am and 4am hence the discrepancy in the hours sought.

I am concerned that given the proximity of this premises to residential dwellings and the late trading hour being sought that there is a significant risk of public nuisance. I believe that it is likely that residents will be disturbed by activity associated with the operation of these premises, notably customers arriving and departing late at night both on foot and by car, unless there are robust control measures in place. I have noted that there appears to be double yellow lines in all the roads in the immediate vicinity of the business so I presume customers arriving late at night by car will need to park some distance away in residential streets. Whilst the applicant has not specifically referenced the use of delivery services, I note that there is a "Just Eat" delivery service advertised in the premises window and I assume it is the applicant's intention to provide a delivery service. The use of delivery services is likely to add to the risk of late night disturbance unless adequate controls are in place.

I also have some concerns relating to public safety. The plan submitted with the application shows no items of safety equipment such as fire extinguishers, fire blankets, fire alarms or emergency lighting. I also note that the plan appears to be inaccurate and does not show a rear extension which has been added to the premises nor an accurate representation of the means of

escape. The plan also does not show fixed fittings in place such as the serving counter. Without an accurate representation of all safety equipment and means of escape, it is not possible to make an accurate assessment of whether the premises can adequately promote the public safety objective.

I have reviewed the applicant's operating schedule and the measures proposed to promote the licensing objectives are effectively negligible.

In relation to public nuisance the applicant has merely stated, "Make sure no one does anything outside the shop to cause nuisance" but has provided no further elaboration on how they intend to achieve this nor considered the residential nature of their locality.

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 terms of public safety the applicant has stated, "Not applicable" but also, "We will follow all the regulations required for public safety". As outlined above, the deficiencies in the plan accompanying the application indicates that contrary to the assertion the applicant is not following all regulations required for public safety. The Council's Licensing Policy states, "Applicants must be able to demonstrate that they have undertaken a thorough assessment of the risk to public safety presented by their intended activities. The Licensing Authority does not intend to impose conditions which simply replicate other statutory controls, but it will scrutinise whether all relevant measures are being applied so as to promote the licensing objectives. Applicants are encouraged, though not obliged, to submit with their applications evidence of compliance with such controls. Where they do, it is less likely that relevant representations will be made leading to the cost and delay of a licensing hearing." In respect of plans, the Policy states, "All applicants for licences and certificates are required to submit a scale plan of the premises. Among other things the plan must show the location of any fire safety and any other safety equipment which could include smoke detectors, emergency lighting, fire fighting appliances, safety shutters, panic alarms, CCTV."

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. The applicant has also failed to demonstrate that they have undertaken a thorough assessment of the public safety risks presented by their proposed 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 as submitted is refused and the applicant invited to submit a new application with an operating schedule that contains a more meaningful consideration of the licensing objectives and an accurate plan that complies with the requirements of the Licensing Act 2003.

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