

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Monday 6 June 2022
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor Catherine Young (Chairman) The Mayor, Councillor Dennis Booth The Deputy Mayor, Councillor Masuk Miah
<b>OFFICERS PRESENT:</b>	Mark Adams, Licensing Officer Sophie Butcher, Democratic Services Officer Delwyn Jones, Legal Advisor Clive Uzoho, Legal Advisor (observing)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	No disclosures of interest were declared.
<b>PREMISES:</b>	Pizzaman, Union House, University of Surrey, Guildford, Surrey
<b>TYPE OF APPLICATION:</b>	Application for a new premises licence
<b>DETAILS OF APPLICATION SOUGHT:</b>	A new premises licence to allow the provision of late night refreshment.
<b>APPLICANT:</b>	Pizzaman Foods Ltd, Osborne House, 143-145 Stanwell Road, Ashford, Middlesex, TW15 3QN
<b>OTHER PERSONS:</b>	Mr Alan Sutherland (Director of Campus Services) on behalf of the University of Surrey Mr James Lackovic (Head of Venues, Production and Safety) on behalf of The University of Surrey Students' Union.

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## DETAILS OF DECISION TAKEN

In arriving at its decision, the Sub-Committee took into account the relevant representations submitted verbally and in writing. The Sub-Committee was also made aware that the following sections of the Licensing Policy were relevant:

- Section 4: (Fundamental Principles)
- Section 11: (Licensing Hours)
- Section 12.1: (Prevention of Crime & Disorder)
- Section 12.2: (Public Safety)
- Section 12.3: 12.3.1 – 12.3.6 (Prevention of Public Nuisance)
- Section 12.4: (Protection of Children from Harm)
- Section 17: (Licence Conditions)

The following sections of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 were also relevant:

- Paragraph 1.16 – Licence conditions – general principles
- Paragraph 2.17 – Each application on its own merits
- Paragraphs 2.1-2.6 – Crime and Disorder
- Paragraphs 2.7 – 2.14 – Public Safety
- Paragraphs 2.15-2.21 – Public nuisance
- Paragraphs 2.22-2.32 – Protection of children from harm
- Paragraphs 9.31-9.41 – Hearings
- Paragraphs 9.42 – 9.44 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1-10.66 – Conditions

The Sub-Committee received a report from the Licensing Officer, Mark Adams. The application was for a new premises licence to allow the provision of late-night refreshment from 23:00-05:00 hours. The applicant had been trading for a number of years in Union House. No representations had been received from responsible authorities in relation to the consultation. However, two representations had been received, one from the University of Surrey and the second was from the Student Union for the University of Surrey on the grounds of public

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safety and the prevention of public nuisance. The Licensing Officer confirmed that the application was only for late night refreshment, not alcohol.

The Chairman invited the applicant, Mr Khosrabi, to make his submission in support of his application, who stated the following:

- He had been trading as Pizzaman for 20 years. In 2005, he received a letter from the Student Union stating that he no longer had a licence to trade under. The Student Union then agreed that he could trade under the licence they had in place. In October 2021, he received a request to vacate the premises which he legally challenged. A police officer attended his shop and told him his trading licence had been removed which forced him to voluntarily stop working.
- Pizzaman was permitted to be open for two hours after the nightclub closes, which was located above the Pizzaman premises. It was clarified that the nightclub was not open for seven days a week.
- The Licensing Officer, Mark Adams confirmed that there was no requirement for a licence holder to operate up to the hours applied for but had to of course operate within those hours.

The Legal Advisor, Delwyn Jones asked if it was relevant for the applicant to refer to the issues specifically raised in the representations received, such as, CCTV and Security. The Sub-Committee agreed and asked the applicant about those matters.

The applicant confirmed that he had not employed Security over the past 20 years and had never been asked to employ security for his premises. He did however have 3 CCTV cameras located outside his shop as well as 3 CCTV cameras located inside his shop. The CCTV footage was kept for a period of 30 days.

The Sub-Committee also asked about the anticipated frequency of Pizzaman opening later.

The applicant confirmed that the nightclub was generally open on Wednesday, Friday and Saturday nights and he would therefore open up for two hours later beyond 10pm which was the normal closing hours for the shop. The nightclub was located two storeys above the shop and tended to stay open until 2am – 3am in the morning. At other times of the year, when students were on holiday the nightclub was not operational and the shop would therefore close at the normal time.

The Sub-Committee asked about how the litter generated by Pizzaman was collected.

The applicant confirmed that the litter bins belonged to the University, and he had not been asked to provide his own bins previously. However, if needed he would be happy to provide his own litter bins and arrange collection.

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The Licensing Officer confirmed that historically Pizzaman had used the licence held by the University and therefore they were responsible. However, the Sub-Committee could include a condition which required the applicant to arrange his own waste removal if they were minded to grant the licence.

The applicant also confirmed that if a condition was imposed regarding the requirement for CCTV, he could meet that through his existing CCTV set-up. In addition, if a condition was applied regarding security such as requiring two SIA Security Staff on the Pizzaman doors when opening later in conjunction with the nightclub he could also do that but also stated that it would not be financially viable for him.

The Chairman invited the Director of Campus Services, for the University of Surrey, Alan Sutherland to make his representation in objection to the application.

Mr Sutherland stated that the applicant's landlord was the Student Union, and the University of Surrey was therefore not in control of the relationship between the applicant and landlord. The applicant did not benefit from CCTV or Security as the University space was private property and the CCTV the applicant alluded to did not cover the entire outdoor space. He was concerned about people entering the University premises who were not students given that Pizzaman was advertised in the local area via leaflets distributed by Deliveroo. There was no where else for late night refreshment and would therefore have more people come onto site. The grounds and facilities teams were also concerned regarding excess litter. It was also confirmed for the Sub-Committee that the students' halls of residence were located anything from a few seconds walk to 20 minutes away from Pizzaman. The applicant confirmed that Deliveroo stopped its operations from 9:30pm onwards.

The Chairman invited Mr Lackovic who was speaking on behalf of the University of Surrey Student Union to make his representation. Mr Lackovic stated that the provision of late-night refreshment would make Pizzaman become a hotspot for crime and disorder. When students were drunk and tired the potential for fights became greater. On average 1550 students dispersed from the nightclub and Pizzaman being open would cause a bunching up of students which would be difficult to control.

The Sub-Committee asked how many times the police had been called to the nightclub. Mr Lackovic confirmed that this happened very rarely as they had 18-20 doorstaff.

Mr Sutherland then stated that Pizzaman was located in the same building as the nightclub. Given there were 18-20 SIA staff egress was well managed out of the nightclub but with no security at the Pizzaman premises was concerning. The Chairman asked if the Student Union would

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sell their own food to the night clubbers and was confirmed that it was their intention to do so and had done previously. It had only stopped due to Covid.

The applicant stated that there had been no incidents or concerns outside of his premises when the nightclub was open. Issues seemed to arise when problems were raised by the University regarding the lease after being onsite for some 17-20 years.

Mr Sutherland confirmed that the applicant was not at the Pizzaman premises much, but they did hold at least 7- 8 years of digital records where fights had occurred outside of the premises.

The applicant confirmed that he would not trade past 11:30pm if the club was not open, and when the club was open, he would trade for two hours post 11:30pm. The 5am request was submitted purely upon the basis that it was not known when the club was open and was closed over summer, Christmas and Easter. It was clarified that during the weekdays the club was open until 2am and on a Saturday until 3am.

The Legal Advisor asked the applicant if he was agreeable to the proposed limit on the number of students allowed in Pizzaman of 4, as suggested by the Student Union. The applicant stated that a Fire Risk Assessment recommended no more than 9 students being permitted in Pizzaman.

The Legal Advisor also asked the applicant if he was agreeable to the Student Unions suggested hours of closure, being 1:30am on Monday - Thursday and Sunday and 2:30am Friday and Saturday nights. The applicant stated that by serving the customers coming out of the club late at night, he was stopping them from dispersing into town and disturbing the neighbours at Walnut Tree Close.

Having considered the submissions made by all parties, the Sub-Committee:

RESOLVED to grant the new premises licence for Pizzaman, Union House, University of Surrey, Guildford, Surrey.

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The Sub-Committee agreed to the following licensable activities and amended requested hours as follows:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>(1) Films</b>							
<b>(2) Live music</b>							
<b>(3) Recorded music</b>							
<b>(4) Performances of dance</b>							
<b>(5) Late night refreshment</b>							
	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 02:00	23:00 – 03:00	23:00 – 03:00	23:00 – 02:00
<b>(7) Supply of alcohol</b>							
<b>Times premises are open to public</b>							
	11:30 – 02:00	11:30 – 02:00	11:30 – 02:00	11:30 – 02:00	11:30 – 03:00	11:30 – 03:00	11:30 – 02:00

The conditions consistent with the operating schedule and the following mandatory conditions applied:

### **Mandatory condition - Irresponsible promotions**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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- ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Mandatory condition - Free potable water**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Mandatory condition - Film exhibitions**

- a) Subject to subsection (b) below, the admission of children to the exhibition of films on the premises shall be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC)
- b) If the licensing authority does not agree with the category of any film as recommended by the BBFC, it may alter the category of the film. On notice of alteration of category being given by the licensing authority to the holder of the licence, the film shall thereafter be treated as being in the altered category and admission of children to the exhibition of the film shall be restricted accordingly

### **Mandatory condition - Door supervision**

Where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the 'Security Industry Authority (SIA).

### **Additional Conditions**

The following additional conditions were added by the Sub-Committee:

1. There must be the provision of a minimum of one SIA Security on the door from 11pm until closing.
2. CCTV must be installed both inside and outside of the premises to cover the entrance and exit. A minimum of three cameras must be provided internally and three cameras provided externally for licenced periods.
3. No off-sales are permitted to take place after 11pm so to restrict the movement of public vehicles on private land.

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4. During the hours of operation, the number of customers permitted on the Pizzaman premises at any one time is four.

**REASON FOR DECISION:**

In reaching their decision to grant the application, the Sub-Committee considered both written and oral representations from the applicant and other persons.

The Sub-Committee was mindful of the concerns that the application had caused to other persons such as the University of Surrey and the Students' Union. Noting both their concerns raised regarding public safety, the Sub-Committee was satisfied that this had been successfully mitigated against by the additional conditions applied requiring that three CCTV cameras were installed inside the premises and three CCTV cameras were installed outside of the premises. In addition, the condition stipulating that there must be at least one SIA Security staff member in place from 11pm until closing. The potential for public nuisance and crime and disorder had also been addressed via the reduction in opening hours from 11pm – 2am Monday-Thursday and Sunday and 11pm-3am Friday and Saturday as well as the requirement to only permit up to four persons at any one time into the shop.

The Sub-Committee therefore agreed that the new premises licence was granted for Pizzaman. The Sub-Committee agreed that should any public nuisance issues occur as a result of granting the application, they had the powers to review the licence in the future.

Signature of Chairman: .....

Dated: .....