

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Tuesday 29 August 2023
SUB-COMMITTEE MEMBERS PRESENT:	Councillor Catherine Young (Chairperson) Councillor Patrick Oven Councillor David Shaw
OFFICERS PRESENT:	Mark Adams (Licensing Officer) Sophie Butcher (Democratic Services Officer) Kate Gillman (Legal Advisor)
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	There were no disclosures of interest.
PREMISES:	176 High Street, Guildford, GU1 3HW
TYPE OF APPLICATION:	Application for a new premises licence.
DETAILS OF APPLICATION SOUGHT:	New premises licence application for the provision of late-night refreshment Monday – Sunday 23:00-02:00 hrs. The premises will operate as a delivery only business. The premises will not open to the public and will be used for the dispatch of goods only. There shall be no collection of goods by the public from the premises. (No selling or supplying alcohol).
APPLICANT:	Pasta Evangelists Mr Lisi (Expansions Manager) (in attendance)
OTHER PERSONS:	Ms Clare Spacie (not in attendance)

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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: (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 1.17 – Each application on its own merits
- Paragraphs 2.1-2.6 – Crime and Disorder
- Paragraphs 2.7-2 – 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

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The Sub-Committee received a report from the Licensing Officer, Mark Adams. The application was for a new premises licence for Pasta Evangelists for the provision of late-night refreshment Monday-Sunday 23:00-02:00hrs. The premises would operate as a delivery only business. The premises would not be open to the public and would be used for the dispatch of goods only. There shall be no collection of goods by the public from the premises. (No selling or supplying alcohol).

There was a current live Premises Licence GUPLA0210 in place since November 2005 held by Art Kuzina Limited. It was noted that the current business Amor Amora were licensed to stay open until 2am Monday-Sunday, though they had not operated until that late hour. In relation to the licence application, the applicant had provided steps to promote the licensing objectives. This included the provision of CCTV, the distribution of a telephone number for the premises/member of the management team to be provided to residents upon request should there be a complaint and to encourage riders of delivery vehicles to be used in a responsible manner so not to cause a nuisance to local residents or leave engines running when the vehicles are parked.

Two representations had been received during the consultation period, one of which was subsequently withdrawn. The outstanding objection was in relation to the potential for public nuisance caused by the proposed licensing hours of staying open until 2am every day. The other person who had submitted that objection was not present at the hearing.

The Sub-Committee was reminded that it could impose additional conditions on the licence which were appropriate for the promotion of the licensing objectives, proportionate and which dealt with the concerns of those making representations. The Sub-Committee could also reject the application.

The applicant, Mr Lisi was invited to make his representation. Mr Lisi confirmed that Pasta Evangelists was a stable business with over 40 kitchens located throughout the UK. The business maintained good relationships with all of its neighbours. The proposed premises would not be open to members of the public and they would not sell alcohol. The company would also ensure that there was a reporting system in place so that any drivers that did not comply with the

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requirement to use their vehicles in a responsible way would be reported to the appropriate management at Pasta Evangelists and then escalated to their employer such as Uber or Deliveroo if needed. Idling engines for example would not be tolerated as well as loud or rude behaviour. The applicant confirmed that they would also put signage up outside of the premises to state that drivers must not park in residential parking bays. The applicant also confirmed that they would be happy if a condition was imposed on the licence, if agreed, to that effect.

The Chairman invited the Licensing Officer to sum up who confirmed that all matters had been addressed.

The Legal Advisor confirmed that the Sub-Committee, in making their decision had to take into consideration the objection raised in relation to the potential for public nuisance caused by the proposal. All of the other licensing objectives had been addressed.

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

RESOLVED to grant the new premises licence for the provision of late night refreshment Monday – Sunday 23:00-02:00hrs for Pasta Evangelists, 176 High Street, Guildford, GU1 3HW.

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

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
(1) Films							
(2) Live music							
(3) Recorded music							

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Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
(4) Performances of dance							
(5) Late night refreshment							
	2300-0200	2300-0200	2300-0200	2300-0200	2300-0200	2300-0200	2300-0200
(7) Supply of alcohol							
Times premises are open to public							
	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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 one local resident regarding the potential for noise and public nuisance. The Sub-Committee was satisfied that this had been successfully mitigated against, by condition, requiring that signage was put up outside of the premises so to warn delivery drivers not to let their vehicle engines run whilst waiting or park in residential bays:

4. The premises will ensure that all riders/drivers involved in deliveries to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally gather outside the premises; (where vehicles have engines) not to leave engines running when the vehicles are parked; and not to obstruct the highway.

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5. Signage will be displayed at all times requesting that delivery drivers act in responsible manner so as not to cause a nuisance.

Other conditions would also be applied to promote the licensing objectives.

The Sub-Committee therefore agreed that the new premises licence was granted for Pasta Evangelists. 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: