

GUILDFORD BOROUGH COUNCIL

LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE	
DATE OF HEARING	Thursday 18 July 2024
SUB-COMMITTEE MEMBERS PRESENT:	Councillor Keith Witham (Chairperson) Councillor Amanda Creese Councillor Catherine Houston
OFFICERS PRESENT:	Sophie Butcher, Democratic Services Officer Matthew Cobb, Licensing Compliance Officer Barnaby Yates, Legal Advisor
DISCLOSURES OF INTEREST BY MEMBERS PRESENT:	There were no disclosures of interest.
PREMISES:	Pepe's Piri Piri, Unit 75-78 Woodbridge Road, Guildford, GU1 4QH
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.
APPLICANT:	Mr Adnan Malik (Applicant) Mr Gulraiz Siddiqui (Applicant's Representative from Pepe's Piri Piri) (Additional person attended with applicant to observe only)
OTHER PERSONS:	Mr Jaison de Cicco Mr John Storey Mr Glen Wakeham

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DETAILS OF DECISION TAKEN:

The Sub-Committee received a report from Matthew Cobb, Licensing Compliance Officer. The Sub-Committee noted that they had convened to consider an application for a new premises licence for the provision of late-night refreshment Monday – Sunday. The premises was located in a terraced building, Unit 4, 75-78 Woodbridge Road, Guildford, GU1 4QH. The takeaway, Pepe’s Piri Piri chicken was located within a mix of commercial and residential properties close to the town centre. The application was for the provision of late-night refreshment Sunday – Thursday 11pm – midnight and Friday – Saturday 11pm – 1am. A consultation was held which resulted in the submission of 18 emails of objection that were related to issues of parking, delivery drivers causing safety issues to members of the public through careless driving on the pavement and parking, litter, anti-social behaviour, noise and smells and possible crime and disorder. Reference had also been made in the objections received that the provision of late-night refreshment included alcohol which was not correct and not relevant to the application. Extending the hours of operation was likely to therefore exacerbate the problems already experienced by local residents. The Sub-Committee was reminded of the relevant licensing objectives and that the licence holder could not be held responsible for the behaviour of its customers once they had left the premises.

The Chairperson, Councillor Witham invited Mr Siddiqui to make his representation on behalf of the applicant, Mr Malik. The Sub-Committee noted comments made that the application was not related to an alcohol licence, as inferred from some of the objections submitted. The application for the unit’s change of use was approved through the planning appeals process. During the takeaway’s operational period, the applicant was running the store with a total of 14 employees, some of which were full-time and/or part-time. The takeaway had lots of clients, a large proportion of which were key workers who had requested that Pepe’s extended its hours, owing to the healthy grilled chicken food provided and those key workers wishing to access such foodstuffs after a long shift.

Pepe’s Piri Piri Chicken was a branded franchise and therefore any concerns raised by local residents should be dealt with directly by the takeaway’s manager. The takeaway had put in place a daily collection of litter, installed full CCTV surveillance and environmental services cleaned the shop’s canopies on a monthly basis. A sign had also been put up in the window of the takeway telling drivers who were picking up the food to park properly either at the rear or on the road

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in a safe manner. That signage had been installed in the last two weeks. This was particularly for the attention of private drivers operating for companies such as Deliveroo. A fire strategy and associated health and safety plans were in place and operated via the management system. The company felt they had listened to the local residents and wanted to be able to work with them moving forward. It was reiterated that the main push for the extended hours was to provide a service to key workers.

Upon the Chairperson's request, Matthew Cobb, Licensing Compliance Officer confirmed that the 2018 planning appeal that was granted to permit the change of use to the premises to a takeaway was not relevant to the hearing.

The Sub-Committee queried the assertion made by the applicant that there was a need for piri piri chicken specifically made for key workers in Guildford and asked what evidence they had to back that up? Mr Siddiqui confirmed that the demand for their food had changed over the last 5 years, especially since covid. They had observed a 10-15% increase in demand overall from key workers in that period. Mr Siddiqui was though unable to confirm how this percentage had been quantified given no research had actually been carried out. Some key workers had come into the store and agreed that they would benefit from being able to access such food later into the night but that was not based on empirical data. The Sub-Committee remained puzzled given they had not received queries themselves from members of the public asking for such a provision.

The Sub-Committee noted that this application had received a high number of objections which was of concern in itself. The Sub-Committee was charged with ensuring the licensing objectives were upheld such as the prevention of crime and disorder and anti-social behaviour. Given there were already problems highlighted by local residents in relation to how the premises was run, the Sub-Committee was doubtful as to how an extension of hours would assist.

Mr Siddiqui stated that he was also concerned and was therefore trying to take actions as a business to minimise the impact upon local residents.

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The Chairperson invited Mr Cicco to make his representation in objection to the application. The Sub-Committee noted that Mr Cicco had taken the day off work owing to the importance of the hearing. Mr Cicco explained that his father owned a fish and chip shop, so he fully appreciated the issues which this takeaway faces. He thanked the applicant for what they had said and done so far. He would prefer for the status quo to be maintained and for the hours of operation to not be extended. He had lived in the road for 4 years and experienced problems associated with the takeaway in relation to noise and smell. The noisy disposal of refuse after closing would occur later at night as well as the sound of the extractor fan if the hours of operation were to increase. No parking controls were in place in the evenings when vehicles frequently parked on the double yellow lines near his house. Cars were often left idling for periods of 10-15 minutes waiting for their food. This would often disturb his family's peace, particularly his younger son, whose bedroom was located at the front of the house.

The Chairperson invited Mr Storey to make his representation in objection to the application. Mr Storey stated that given he lived in the town centre he expected noise. However, the extension of hours proposed would exacerbate issues already experienced on a daily basis with rubbish, smells and delivery drivers driving onto the pavement and nearly knocking people over.

The Chairperson invited Mr Wakeham to make his representation in objection to the application. He had his own business on Woodbridge Road for the last 15 years. He acknowledged that since covid there had been a change in society and people's increased reliance on deliveries. He lived close to the takeaway and over the last two years had observed problems with parking where his own staff had nearly been run over by local delivery drivers riding onto the pavement. Litter was also an issue and car parking on the double yellow lines was causing a dangerous problem for drivers both trying to access and leave the road. The legitimacy of the argument made by the applicant in regard to a demand for piri piri chicken by key workers was questioned given the extension of hours occurred on a Friday and Saturday night when there were more people in town partying and seeking such food after a night out. He also had parking problems associated with his business which he would not raise in this hearing as it was a personal matter between him and the applicant.

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The Sub-Committee asked if any of the objectors had attempted to engage with the applicant regarding the problems they had raised to try and resolve them.

Mr Wakeham stated that he would often speak to the delivery drivers about their standards of driving and owing to being so fed up with the situation had taken to videoing incidents and reporting them directly to the police. He had not directly engaged with the business though.

Mr Cicco stated that he had not spoken directly to the business about his concerns. However, the notification regarding the extension of hours symbolised the trigger for him to object through this forum.

The Sub-Committee advised Mr Wakeham that if the applicant was not complying with the conditions associated with the takeaway's planning usage, then he could contact the planning enforcement team to look into any breaches further.

The Sub-Committee queried with the applicant the concerns raised in one of the objections about hot oil being poured down the drains. Mr Siddiqui confirmed that this was related to the local pub and had been investigated and was not attributed to Pepe's in any way and was evidenced by their oil removal records.

The Chairperson invited the applicant to make his submission in support of his application. Mr Malik stated that he did not know about residents' concerns prior to the application to extend the hours of operation being submitted. In relation to concerns about delivery drivers he confirmed that signage had been put in the window of the takeaway in the last two weeks to state that parking on the pavement was not permitted. If delivery drivers did park on the pavement, then they were turned away from being able to collect the food. If drivers who work for companies such as Deliveroo do not collect the food, then they do not get paid. Talking outside of the shop was also prohibited and monitored via the shop's CCTV and had already seen an improvement. There was one bin closest to the counter and also a council bin on the pavement which helped deal with the rubbish and was inspected regularly to ensure no overspill.

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Mr Siddiqui stated that residents should in the first instance complain to the management regarding any concerns they have about the shop's operation. With regard to Deliveroo drivers, a message has been put on the delivery driver's app to not drive onto the pavement to park their bikes whilst collecting food. He also considered that the premises was compliant in relation to the planning conditions in place. A daily collection of rubbish was now in place and the smells generated by the premises was below the threshold for concern by environmental services. Mr Siddiqui suggested that the Sub-Committee permit Pepe's to operate with the extended hours for a period of 1 year and then to review the situation.

Mr Storey, an objector, asked how often the applicant was actually on the premises to oversee the changes that had been made. Specifically, in relation to the behaviour of delivery drivers, in his experience, in the last two weeks, he had still observed them driving onto the pavement to await collection of food.

The applicant stated that the business had 7-8 parking spaces around the rear which were allocated on a first come first served basis. There were five parking permits for the staff who worked there and only one of those spaces was used by the applicant. If delivery drivers are seen behaving badly by for example driving and parking on the pavement, Pepe's management will leave bad feedback directly with the company, such as Deliveroo. This results in the delivery driver not being paid and therefore they are careful the next time they come to the premises and more diligent in observing driving etiquette.

Mr Storey responded stating that his question had not been answered. In the last two weeks, from what he had experienced, the driving behaviour of delivery drivers had not changed, therefore his question remained how much time the applicant in fact was spending onsite to oversee the enforcement of these new rules.

The applicant confirmed that he spent 45-50 hours a week onsite and when he was not there, he would observe the comings and goings at the premises via CCTV.

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Mr Cicco, objector, observed that whilst it was great to know that Pepe's had put in place measures to try to resolve the problems raised by the residents, he was concerned that if delivery drivers were directed to wait around the rear of the premises, that the associated noise of engines would be even closer to the nearby residential properties.

The Licensing Compliance Officer, Matthew Cobb confirmed that despite the extension of hours of operation until 1am requested Friday and Saturday, customers would still need to be offsite by midnight due to the planning conditions on the property.

The Legal Advisor, Barnaby Yates had nothing further to add.

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

RESOLVED: To refuse the application for a new premises licence for the provision of late-night refreshment Monday – Sunday at the premises Pepe's Piri Piri, Unit 4, 75-78 Woodbridge Road, Guildford, GU1 4QH.

REASON FOR DECISION:

In reaching their decision to refuse the application for a new premises licence for late night provision at Pepe's, the Sub-Committee had carefully considered both written and oral representations from the applicant and 18 objections submitted by local residents.

The Sub-Committee was particularly concerned about the existing takeaway's operation and its effects upon public nuisance and public safety and how these would be exacerbated further by the extension of hours proposed.

The Sub-Committee found that a two-week implementation of measures taken so far, to help overcome problems experienced, for example with delivery drivers and potentially dangerous driving, was not long enough to bring about sustained change that could be evidenced by local residents.

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The Sub-Committee therefore strongly recommended that the applicant continued to do everything within their ability to remedy the issues at hand and fully engage with the residents in addressing their concerns before reapplying for the extension of hours proposed.

Signature of Chairman:

Dated: