

Public Document Pack



Date Tuesday, 7th April, 2020

Time 2.00 pm

Venue via Video - Conference
Note for Members of the Public - if you wish to attend by audio or visual link please contact Denise French as below

Contact Denise French 01782 742211
denise.french@newcastle-staffs.gov.uk

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing Sub-Committee SUPPLEMENTARY AGENDA

PART 1– OPEN AGENDA

- 7 Review of Premises Licence - Castle Pizza Grill, 83 Knutton Lane, Newcastle under Lyme (Pages 3 - 26)

Contacting the Council:

Switchboard 01782 717717 . Text 07800 140048
Email webmaster@newcastle-staffs.gov.uk. www.newcastle-staffs.gov.uk

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Appendix A

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Idris Aruk

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

Castle Pizza Grill,
83 Knutton Lane

Post town	<u>Newcastle-under-Lyme</u>	Postcode	<u>ST5 6ET</u>
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Telephone number at premises (if any)	
Non-domestic rateable value of premises	<u>£ 3,400.</u>

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|--|---|
| a) an individual or individuals * | ☒ please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | ☐ please complete section (B) |
| ii as a partnership (other than limited liability) | ☐ please complete section (B) |
| iii as an unincorporated association or | ☐ please complete section (B) |
| iv other (for example a statutory corporation) | ☐ please complete section (B) |
| c) a recognised club | ☐ please complete section (B) |
| d) a charity | ☐ please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities, or ☐
- I am making the application pursuant to a
- statutory function or ☐
- a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname <u>Arik</u>		First names <u>Idris</u>			
Date of birth <u>25/3/1974</u>		I am 18 years old or over ☒ Please tick yes			
Nationality <u>British</u>					
Current residential address if different from premises address		<u>30 Orme Road, Newcastle-under-Lyme</u>			
Post town	<u>bagramtutor22@gmail.com</u>		Postcode	<u>ST5 2ND</u>	
Daytime contact telephone number		<u>07565 401115</u>			
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐	Mrs ☐	Miss ☐	Mx ☐	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over ☐ Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from previous address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

As soon as possible

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Takeaway

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | ☐ |
| b) films (if ticking yes, fill in box B) | ☐ |
| c) indoor sporting events (if ticking yes, fill in box C) | ☐ |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | ☐ |
| e) live music (if ticking yes, fill in box E) | ☐ |
| f) recorded music (if ticking yes, fill in box F) | ☐ |
| g) performances of dance (if ticking yes, fill in box G) | ☐ |
| h) anything of a similar description to that falling within (c), (f) or (g) (if ticking yes, fill in box H) | ☐ |

Provision of late night refreshment (if taking yes, fill in box I)

☒

Supply of alcohol (if taking yes, fill in box I)

☐

In all cases complete boxes K, L, and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 5)		Indoors ☐
					Outdoors ☐
Day	Start	Finish	Both ☐		
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 2)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	☐
					Outdoors	☐
					Both	☐
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings.</u> Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	☐
				Outdoors	☐
				Both	☐
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the columns on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (c), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors ☐ Outdoors ☐ Both ☐
Mon			Please give further details here (please read guidance note 4)	
Tue			State any seasonal variations for entertainment of a similar description to that falling within (c), (f) or (g) (please read guidance note 5)	
Wed				
Thu				
Fri				
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (c), (f) or (g) at different times to those listed in the columns on the left, please list (please read guidance note 6)	
Sun				

Late night refreshment: Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 7)	Indoors	☐
				Outdoors	☐
				Both	☒
Day	Start	Finish			
Mon	23:00	02:30	Please give further details here (please read guidance note 4) Deliveries only. No access to public after 23:00.		
Tue	23:00	02:30			
Wed	23:00	02:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	02:30			
Fri	23:00	02:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	02:30			
Sun	23:00	02:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	☐
				Off the premises	☐
				Both	☐
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as
designated premises supervisor (Please see declaration about the entitlement to work in the
checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	02:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	12:00	02:30	
Wed	12:00	02:30	
Thur	12:00	02:30	
Fri	12:00	02:30	
Sat	12:00	02:30	
Sun	12:00	02:30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (a, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

CCTV : images kept for 28 days.

c) Public safety

The premises is not open to the public after 23.00
Smoke detection in place

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☐
- I have enclosed the plan of the premises. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2004 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her
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	proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>[Signature]</i>
Date	<i>7/2/2020</i>
Capacity	<i>Manager.</i>

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Site ID: a-18772

81 & 83 Knutton Lane, Newcastle, ST5 6ET, ST56ET, United Kingdom

4.1 Site Plan(s)

Commercial Areas

Site ID:

a-18772

Active Monitoring - 81 & 83 Knutton Lane, Newcastle, ST5 6ET

Shop



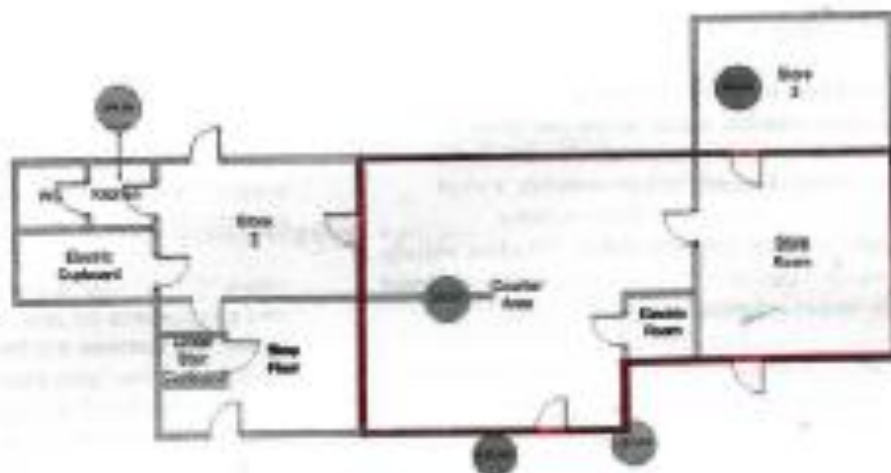
Asbestos



Non-asbestos



Lab



ASBESTOS MONITORING REPORT - 81 & 83 KNUTTON LANE, NEWCASTLE, ST5 6ET

Appendix C

Steadman, Melanie

From: [REDACTED]
Sent: 17 March 2020 12:38
To: Thomas, Robert
Subject: Re: [UNCLASSIFIED] RE: Castle Pizza Grill
Attachments: IMG_20200317_123227.jpg; IMG_20200317_121352.jpg

information - this external email has been identified as fulfilling the necessary security standard for non compliance.

Hi Robert new work done

On Tue, 10 Mar 2020, 18:05 Thomas, Robert, <Robert.Thomas@newcastle-staffs.gov.uk> wrote:

[Classification: NULBC UNCLASSIFIED]

Mr Arkle,

I've discussed the application with my manager and reviewed the Council's guidance relating to the operation of hot food takeaways.

Unfortunately, the proposed operating times go way beyond the finish time recommended within our guidance and the proposed control measures are unlikely to be sufficient to prevent a public nuisance.

On this basis, the Environmental Protection Section of the council must object to the application.

Regards,

Rob Thomas
Environmental Health Officer - Environmental Protection
Newcastle-Under-Lyme Borough Council
Castle House, Barnicks Road, Newcastle under Lyme. ST5 1RL.
01782 742582

www.newcastle-staffs.gov.uk

It takes 24 trees to produce 1 tonne of paper - think before you print!

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From: Bayram Tutar <Bayram.Tutar@newcastle-staffs.gov.uk>
Sent: 27 February 2020 18:34
To: Thomas, Robert <Robert.Thomas@newcastle-staffs.gov.uk>
Subject: Re: [UNCLASSIFIED] RE: Castle Pizza Grill

information – this external email has been identified as fulfilling the necessary security standard for use compliance.

Hi Robert for the food smell we will put on the fan as soon as possible for the delivery we only use one delivery driver at that time and also we have our own parking spot. For the noise we don't use the next door it stays blank as we told you when you were here also in the future we are looking to rent the next door.

On Mon, 24 Feb 2020, 18:23 Thomas, Robert, <Robert.Thomas@newcastle-staffs.gov.uk> wrote:

[Classification: NULBC UNCLASSIFIED]

Mr Anik,

Further to my previous email and visit, can you provide further details to support your application as to how public nuisance will be prevented.

The main concerns are –

- Odour from kitchen ventilation system,
- Noise from ventilation system,
- Noise from vehicles and delivery drivers,
- Noise from inside the premises affecting the flat above on the Knutton Lane side.

The odour risk assessment that I went through with you gave a score of 43 which corresponds to a very high odour risk. This score can be reduced by raising the stack height to the ridge and increasing the effluent velocity such that the risk would be reduced to 'high'. The kind of kitchen ventilation systems that would be appropriate for both 'high' and 'very high odour' risks are described upon p11 of the DEFRA guidance.

In relation to noise from the ventilation system, an appropriate silencer could be fitted to deal with this but we would need to know what fan was in place and what silencer you propose to fit before we could say if this was ok.

For the noise from the delivery drivers and their vehicles, we would need to know how many drivers you would be using, where they would be parking and how engine noise/radios/voices would be managed.

I'll speak to Aspire about their intentions for the letting of the flat. In the meantime, how would you control noise within the part of the building below the flat (e.g. central radios/equipment etc.)?

If you can provide details of your proposed control measures, and timescale for introduction, I'll speak to my manager and let you know how the department intends to respond to the consultation from the licensing department.

Regards,

Rob Thomas
Environmental Health Officer - Environmental Protection
Newcastle-Under-Lyme Borough Council
Carrile House, Barracks Road, Newcastle under Lyme. ST5 1BL.
01782 742582

www.newcastle-staffs.gov.uk

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From: Thomas, Robert

Sent: 21 February 2020 16:14

To: Robert.Thomas@newcastle-staffs.gov.uk

Cc: Ryles, Claire <Claire.Ryles@newcastle-staffs.gov.uk>; Strachan, Melanie <Melanie.Strachan@newcastle-staffs.gov.uk>

Subject: [UNCLASSIFIED] Castle Pizza Grill

[Classification: NULBC UNCLASSIFIED]

Mr Arif,

I've been consulted upon your application to operate the Castle Pizza Grill on Knutton Lane.

Unfortunately, due to the potential for noise and odours, your proposed activities would not usually be permitted in such a location – see http://www.newcastle-staffs.gov.uk/sites/default/files/DMC15Planning/Planning_Policy/Neolocal/Hotfood%20takeaway%20SP%20.pdf, closing times are described upon the final page .

There is no information within your application to suggest how you will prevent a public nuisance. Do you have any information describing how noise and odours from the kitchen ventilation system will be controlled, or how noise from people and vehicles used for the delivery service will be minimised?

The DEFRA guidance relating to kitchen exhaust systems, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/545788/cb10537-kitchen-exhaust-0105.pdf, provides a risk assessment within annex C with regards to odour and annex D describes how to address noise issues. If you can complete the odour risk assessment and provide details of the design of your kitchen ventilation system (where the exhaust is, how high it is, the exhaust flow rate, what odour abatement you have, details of any silencers and the make and model of the fans, etc) I'll take a look at it and make my comments to the licensing department.

Regards,

Rob Thomas

Environmental Health Officer - Environmental Protection

Newcastle-Under-Lyme Borough Council

Castle House, Barracks Road, Newcastle under Lyme. ST5 1BL.

01782 742582

www.newcastle-staffs.gov.uk

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