

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

ART FAST FOOD LIMITED (No. 11678204)

FINAL SUBMISSIONS FOR THE APPLICANT BEFORE THE HEARING

1. ART Fast Food Limited ("AFFL") operates a takeaway known as "Mars Pizza" from its premises at 130 Alcester Road, Moseley, Birmingham B13 8EE.
2. Mars Pizza is currently open every day from noon until 2300hrs.
3. AFFL is seeking a Premises Licence for Mars Pizza to provide late night refreshments from 2300hrs to 0100hrs (Sunday to Thursday) and from 2300hrs to 0200hrs (Friday and Saturday).
4. AFFL advertised its application in the Birmingham Post from the 31st March to the 2nd April 2020, and at Mars Pizza.
5. AFFL is seeking a Premises Licence for the proposed times on the application since it is anticipated that these will be its busiest periods.
6. Amended conditions were put forward by the Council's Licensing Enforcement Team on 15th April 2020 and accepted by Mr Aghaei (Director of AFFL) the same day (see page 34 of the Bundle). It is submitted that these conditions will deal effectively with all of the issues raised within the representations received.
 - a. **Waste** - the proposed conditions include that bins are to be provided either within the shop or directly outside and staff will check no litter is left outside the shop and surrounding area as to cause a nuisance to local residents. AFFL staff now check both internal and outside bins as part of their daily checks (a completed checklist for the dates between 27/4/20 and 3/5/20 is attached to these representations by way of example). Training on these procedures has been given to staff.

It is accepted that Mars Pizza encountered difficulties with its waste in December 2019 following a missed collection. AFFL raised this at the time with its waste contractor, Birmingham City Council, and liaised with Licensing Enforcement. AFFL has since resolved the problem by putting a lock on its external bin preventing third party waste from being put in it and management now checks the outside bin area is kept clear at all times using the premises CCTV (the use of CCTV is a further condition agreed by AFFL).

AFFL does not accept that its staff have burned waste from Mars Pizza.

- b. **Noise** - the proposed conditions require that a notice is prominently displayed at the premises requesting that customers respect the needs of local residents and other businesses in the vicinity and leave the premises quietly. This notice is now in place. AFFL is not aware of any past problems with noise from Mars Pizza.
 - c. **Staff Training** - all AFFL staff will receive training on compliance with the Licensing Act ("LA") 2003.
7. One representation (details withheld from the applicant) refers to car parking. AFFL benefits from allocated parking at the rear of Mars Pizza notwithstanding that most of its loading takes place at the front of the premises where it also has allocated parking.
8. It is submitted that, with the additional conditions proposed by Licensing Enforcement and accepted by AFFL, the application will promote the licensing objectives in accordance with section 18 LA 2003 and should be granted in full accordingly.

Christopher Hopkins

10th May 2020

No 5 Chambers

Steelhouse Lane

Birmingham B4 6DR