

The Applicant's response to the Agendas submitted.

Supplementary Agenda A

1. Page 7 – Quote from Kris Cardwell regarding the nature of the area.

Unfortunately, this is simply one of many cherry picked quotes isolated and seemingly utilised for the sole purpose of portraying the area in a manner which is not *entirely* accurate. Once we place the quote within its context, we learn the following:

- (a) The local police are fully aware of and, in turn, fully appreciate the area and its associated needs with regard to **Public Safety** and the **Prevention of Crime and Disorder**; and
- (b) Despite this, the local police (including Kris Cardwell) have now, on *two* occasions, supported applications to increase the operating hours for this premises with conditions which they believe, in their **expert** view, will effectively and safely mitigate the issues identified. Any deviation from this decision would undermine the Police's authority as the experts for Crime and Disorder.

2. Page 8 – Crime Statistics (last 12 months)

- (a) A similar data set, albeit not the most recent, was provided within Supplementary Agenda A, seemingly with the purpose of branding this particular area as one which exceeds the national average with regard to anti-social behaviour.
- (b) However, upon a closer inspection of the data (using the same website found in Supplementary Agenda A), we find the following:
 - i. The data relates to all crime within a **one** mile of the concerned postcode.
 - ii. The closest data point to the premises shows only **one** anti-social behaviour offence in the **last 12 months**. Therefore, the data provided by the objectors

does not in any way, shape or form emulate or substantiate their particular objections.

- iii. Additionally, the data does not provide the timing of the offence. Therefore, it may be the case that there was in fact **no** anti-social offending taking place during the hours applied for. Similarly, no way of attributing the **one** offence to the later hours applied for or these premises.
- iv. Overall, data such as this most likely explains why the Police have **not** advocated for an outright refusal of this application.

3. Page 11 – Freedom of Information request

- (a) The letter from the Council, in actuality, states that there are **regular patrols** in the area and that there have only been two independent and unrelated breaches by Papa John's, further stating that they "*have not seen a great deal of refuse in this area*" in general.
- (b) The letter also states that FPN's have been issued to *residents neighbouring the premises*, and so it may be the case that other residents are getting confused with this refuse and falsely blaming Papa John's as a result. Evidence of a wider litter problem amongst residents is reflected within this letter.

4. Page 14 – Licensing Appeal, Highbury Camden Magistrates Court

- (a) The case concerned the delivery of alcohol and not hot food.
- (b) The premises was located within the Seven Dials Cumulative Impact Policy Area.
- (c) The facts of the case are materially different to the situation we are dealing with in this application:
 - i. Deliveries were likely being received by individuals who were staying in the area for a short period of time, staying in short let accommodation or having unlicensed music events. Individuals, no doubt who had already been drinking.

- ii. Crime and disorder was also noted to be linked with excessive amounts of alcohol and unsupervised drinking within the early hours of the morning, with domestic issues being exacerbated alcohol.
- iii. Concerns for the protection of children related to age verification and those already drunk purchasing more alcohol.

Facts and issues which are **not** pertinent to this application.

- (d) The website/app for the operation had not been made yet, and therefore a lack of planning for the proposed business model was identified within the analysis, unlike our position where we have the facilities to close off third party orders at a certain time.
- (e) With regard to the quotes identified on **page 14** (paras 117 and 118 of the judgement), they are, again, cherry picked and used out of context for unknown purposes, para 118 actually states:

“Mr Kaner stresses that a late-night delivery service of alcohol, is likely to be for immediate consumption. From his experience, this type of delivery service is more often used by people who are staying in short-let accommodation or are holding an unlicensed music event. It is likely that the person ordering alcohol for delivery has already been drinking. When a delivery is made, it is not possible to manage the situation, and it would be a brave delivery person who decided that the recipient was already drunk enough and refused to hand over the alcohol.”

Therefore, managing the situation, refers to the delivering of alcohol to those who have already consumed alcohol, and more specifically the situation where a driver refuses to hand over the alcohol to an individual already drunk. This situation is not relevant to this application, and there is no need or ever a requirement to age verify or refuse the delivery of pizzas. Therefore, the case can and should be distinguished from the present circumstances.

- (f) **Page 14** - (para 140 of the judgement) Again, another cherry picked quote which is incredibly misleading as presented within the Supplementary Agenda. The quote states *“The responsible authorities are unable effectively to monitor couriers in a delivery only model”* which seems to suggest that the **delivery model**, in all contexts, is flawed

in this respect. However this quote omits the ending of the sentence which states “**as envisaged by the Appellant**”. If we look closely what is envisaged by the Appellant in that case, we will find that he wants to:

- i. Deliver alcohol which often exacerbates crime;
- ii. Deliver goods efficiently with reduced delivery times, meaning the proper checks may be completed below the requisite standard, and may lead to nuisance by way of refusing to provide drunk individuals with alcohol, again not relevant to our operation; and
- iii. Deliver goods by way of third party drivers with no way of tracking drivers or the addresses being delivered to, something which we can remove from our operation.

Therefore whilst the delivery model envisaged by the Appellant may be flawed in the following ways, measures can be implemented within **our model** (only using our drivers and system past 23:00) so as to ensure that we along with the responsible authorities are able to effectively monitor couriers.

- (g) Overall, this case should be distinguished on the above grounds being so **materially** different from the current circumstances, and in the alternative, our operation can include the requisite measures which should alleviate concerns that any responsible authority may have.

5. **Page 20** – The data concerning sleep deprivation is further explained on page 65 of the public bundle, where it is stated that the most frequent complaint concerned loud music, domestic complaints and parties. There is no evidence nor does this evidence suggest that the proposed application will contribute to the issue.

Supplementary Agenda B

1. **Page 4** – Planning and *not* Licensing Policy.
2. **Page 6** - Planning and *not* Licensing Policy.
3. **Page 7** – See reasoning in paragraph 7 (Supplementary Agenda A) above, case should be distinguished on the same grounds.
4. **Page 9** – See reasoning in paragraph 1 (Supplementary Agenda A) above. Furthermore, it should be noted that the Licensing Sub-Committee are not bound by their previous decision.
5. **Page 12 – Concerns**
 - (a) The objectors have, once again, stated that drivers ‘do other business’ in absence of any substantiated evidence. One can only assume that tactics such as these are being employed so as to prejudice the Licensing Sub-Committee as part of a much wider unjustified and unsubstantiated systematic attack against these premises.
 - (b) In actuality, Papa John’s is proud to provide jobs for thousands of people across the country, and are extremely happy in their contribution to both our society and the economy in this manner, helping with issues such as unemployment on a nationwide scale.
6. **Page 13** – Within the summary for rejecting this application, many points are made about non-licensing related issues and concern what the objectors want in an “ideal world” scenario as opposed to any credible arguments about supporting the four licensing objectives. As such, little weight should be attached to this objection.

Supplementary Agenda C

1. **Page 3 – Image**
 - (a) Image shows three pieces of paper on the floor and **no empty cans**, it certainly does not substantiate the claim “*drivers just chuck their delivery slips and cans into the gutter...*” in absence of any driver or details pertaining to the pieces of paper.

(b) Image also shows what seems to be domestic waste from a neighbouring property. Evidence, once again, of their being a general litter problem in the area amongst residents which is being blamed on these premises.

2. **Page 5, 6 and 7 – Image**

(a) This image **does not** show Papa John's branded packing or waste, nor does it identify its proximity to the premises.

(b) Furthermore, it seems to be the **same** non-Papa John's litter from three different angles.

3. **Page 8 – Image**

(a) No sure what this is intended to show in relation to these premises.

4. **Page 10 – Image**

(a) Litter appears minimal and what one might **reasonably** expect from any popular street with high footfall. More importantly for this case, there is nothing to suggest or categorically show that it is related to these premises.

5. It should also be noted that none of the pictures are timestamped nor have any direct causal link to the extended hours applied for. We see duplications of images so as to magnify the issues referred to within the objections. However, we are in possession of objective data from the Council, by way of a letter in response to a freedom of information request (page 11 Supplementary Agenda A), which states after **regular patrols**, a great deal of refuse has **not** been found within this area.

Supplementary Agenda D

1. Page 5 – Incidents at McDonalds

- (a) The large and undeniable disparity between the operation of Papa John’s and McDonalds should automatically void any potential comparisons made.
- (b) As outlined on pages 4 and 5, the majority of alleged incidents occurred within McDonalds which provides:
 - i. A large indoor seating area;
 - ii. A low price menu;
 - iii. Free WiFi;
 - iv. Music; and
 - v. Outlets to charge mobile devices.

Notably a very different type of indoor arrangement to these premises. As a result, it would simply be inaccurate to make such comparisons, stating such crimes would occur at these premises should this application be approved.

2. Page 6 and 7 – See para 5 (Supplementary Agenda A) above.

Agenda

1. Pages 47 & 48 – Cllr Trey Campbell-Simon Objection

- (a) Cllr Trey Campbell-Simon fails to substantiate, by way of any **real evidence**, the potential concerns identified within this objection.
- (b) In fact, upon a closer inspection of the aforementioned objection, a fundamental misunderstanding of both the licensing regime and the nature of the proposed application becomes apparent. For instance, we find it extremely difficult to understand how the Licensing Sub-Committee may **reasonably** be expected reconcile public

intoxication concerns with the proposed style and nature of this application, namely a delivery-only service to fixed addresses.

- (c) Furthermore, it remains very disappointing that, whilst reduced hours were agreed upon between the Police and the Applicant, no further correspondence was received by Cllr Trey Campbell-Simon regarding the collective progression of this matter consistent with partnership working principles.

2. Pages 49-84 – Vanston Place Management Company Objection

- (a) Whilst this objection correctly identifies that each application should be considered on its own merits, it is clear that the objector approaches the matter from an **unreasonably** restrictive viewpoint and remains unwilling to adhere to the above principle.
- (b) For instance, after highlighting that no other establishment presently operates during the hours applied for, the objector states that they “*would like to keep it that way*”. A clear indication that they remain, and will always remain, unreasonably immune to any new proposed application **despite** its merits.

This objection, and not for the last time, introduces the argument that this application should be rejected on the basis that it is the first of its kind. There is no licensing authority which suggests such an argument has a credible basis, nor would the licensing regime be able to successfully operate should such a view be taken toward all new applications.