

		<b>Licensing Panel</b> <b>22 April 2014</b>	<b>Agenda Item No. 4</b>
<b>Title</b>		Application for the grant of a premises licence under the Licensing Act 2003 for Castle Kebabs	
<b>For further information about this report please contact</b>		Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>		None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>		No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		N/A	
<b>Background Papers</b>		None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality and Sustainability Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	4.4.2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	4.4.2014	Michael Coker
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps - None</b>		

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a new premises licence from Mr Halil Guner.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the grant of a premises licence for Castle Kebabs, 46b Saltisford, Warwick, should be approved and, if so, whether the Licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Mr Guner applied for a premises licence on 18 February 2014. The table below shows what has been applied for.

Late night refreshment off the premises	Opening Hours of the premises
Friday and Saturday 23:00 to 02:00	Friday and Saturday 12:00 to 02:00
	Sunday to Thursday 12:00 to 23:00

- 3.2 The premises do not currently operate with any licensable activities and therefore would not need a premises licence. Due to there not being a licence at the premises information relating to complaints or incidents cannot be gathered. Street Marshalls do not operate in Warwick and therefore information can also not be presented in relation to their involvement at the premises.
- 3.3 An operating schedule which has been submitted by the applicant and will form part of any licence issued has been supplied as follows:

*General*

Extension of hours only on Friday and Saturday.  
No alcohol served on or off premises.

*The prevention of crime and disorder*  
CCTV in operation.

*Public safety*

Mr H Guner hot food only, no alcohol.  
Nothing beyond existing Health and Safety/Fire Safety etc requirement.

*Prevention of public nuisance*

Mr H Guner will attend to this. Hot food only, no alcohol.

*Protection of children from harm*

N/A

- 3.4 An objection was received from Warwickshire Police. Following an agreement with the applicant, attached as appendix 1, the objection was withdrawn and the following conditions will be added to any licence issued.
1. No music to be played in the premises whilst open.
  2. No child under 16 years to be allowed in to the shop after 11pm, except in the company of an adult.
  3. Groups congregating outside to be dispersed.
  4. CCTV must be installed to the current British Standard, record at all times when licensable activities take place, and must include:  
Cameras must cover entrance and service till.  
Head and facial recognition.  
Capable of recording and storing 31 days continuously.  
Someone must be on duty when licensable activities take place who is capable of downloading images upon request by an authorised officer.  
The image quality must be of a minimum of 12 frames per second.  
The system must be signed off by Warwickshire Police Architectural Liaison Officer.
- 3.5 A relevant representation has been received from Environmental Health, attached as appendix 2.
- 3.6 There have been no representations received from:
- Fire Authority
  - Enforcement Agency for Health and Safety.
  - Trading Standards
  - The Licensing Authority
  - Authority Responsible for Planning
  - Authority Responsible for the Protection of Children from Harm
  - National Health Service/Public Health
- 3.7 A plan of the premises submitted by the applicant is attached as appendix 3 and a map of the area of the premises is attached as appendix 4.

4. **POLICY FRAMEWORK**

- 4.1 When considering the application the panel must give appropriate weight to:-
- a) The representations received.
  - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
  - c) The Council's Licensing Policy Statement (attached as appendix 5)
  - d) The Licensing Objectives, which are:-
    - i) The Prevention of Crime and Disorder.
    - ii) Public Safety.
    - iii) The Prevention of Public Nuisance.

iv) The Protection of Children from Harm.

However, it should only consider those licensing objectives which have been referred to in the representations received.

- 4.3 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.4 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

5. **BUDGETARY FRAMEWORK**

- 5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

6. **RISKS**

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 28 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.