

 WARWICK DISTRICT COUNCIL	Licensing & Regulatory Panel 18 August 2020	Agenda Item No. 3
Title	Application for Temporary Event Notices for Fizzy Moon, 35 Regent Street, Leamington Spa, Warwickshire, CV32 5EE.	
For further information about this report please contact	Rachael Russell, Licensing Enforcement Officer 01926 456705 Rachael.russell@warwickdc.gov.uk	
District Ward the Application is in	Leamington Clarendon	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005	

Officer/Councillor Approval		
Officer Approval	Date	Name
Democratic Services Manager & Deputy Monitoring Officer		Graham Leach
Head of Service	07/08/2020	Marianne Rolfe
Consultation & Community Engagement		
The application was duly submitted and processed as required by the regulations.		

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received six valid Temporary Event Notice (TEN) applications for Mr Moe Kandola, Fizzy Moon, 35 Regent Street, Leamington Spa, CV32 5EE.
- 1.2 Representations have been received in relation to these Temporary Event Notice applications for the consideration of the panel in the determination of the applications.

2. Options Available to the Panel

- 2.1 Members are asked to consider the information contained in this report and decide whether the applications for Mr Moe Kandola, Fizzy Moon, 35 Regent Street, Leamington Spa, Warwickshire, CV32 5EE should be granted and, if so, whether the Temporary Event Notice's should be subject to any additional conditions.

The following options are available to Members:

Option 1 - Grant the TEN's as requested;

Option 2 - Grant the TEN's with amended hours and/or added conditions, or;

Option 3 - Refuse the TEN's.

3. **Details for Consideration**

3.1 When considering the application's the panel must also 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 3)
- 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 must only consider those licensing objectives which have been referred to in the representations received.

3.2 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.

3.3 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.

3.4 Mr Moe Kandola applied for six Temporary Event Notice's for Fizzy Moon, 35 Regent Street, Leamington Spa, CV32 5EE, Warwickshire on 3rd August 2020.

3.5 The temporary event notice's were submitted to enable the use of the outside terraced area for Fizzy Moon for an additional hour between 23:00 to 24:00 on the dates below;

- Friday 21st August 2020
- Friday 28th and Saturday 29th August 2020
- Friday 4th and Saturday 5th September 2020
- Friday 11th and Saturday 12th September 2020
- Friday 18th and Saturday 19th September 2020
- Friday 25th and Saturday 26th September 2020

The premises currently has a premises licence (WDCPREM00201) that enables them to use the outside area until 23:00. A copy of the current premises licence and conditions is attached as appendix 1.

3.6 The Licensing Department have received objections from the following responsible authorities:

- Environmental Health

This objection is attached as appendix 2.

- 3.7 In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless Environmental Health, the premises user and Licensing Authority agree that a hearing is unnecessary. The hearing must be concluded, and notice of the decision given to the premises user and the Police, no later than 24 hours before the temporary event is due to commence.
- 3.8 The panel can only consider those licensing objectives detailed in the objection received from Environmental Health.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District Council are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
The licensing policy recognises that residents within, and visitors to	None	The licensing policy relates to current legislation, and, where possible, to local

the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.		factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None