

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Tuesday 5 May 2015, at the Town Hall, Royal Leamington Spa at 2.00 pm.

Present: Councillors Mrs Higgins, Illingworth and Pratt.

Also Present: Peter Dixon (Committee Services Officer), John Gregory (Council's Solicitor) and Rachael Russell (Licensing Enforcement Officer).

1. **Appointment of Chairman**

Resolved that Councillor Illingworth be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a premises licence under the Licensing Act 2003 for Ali's Curry House, 21 Bath Street, Leamington Spa**

The Panel considered a report from Community Protection which sought a decision on an application from Ali's Curry House for a premises licence.

The Chair, members of the Panel and officers introduced themselves.

The other parties introduced themselves as the applicant, Mr Muneer, and Mrs Morrison, representing the interests of Royal Leamington Spa Town Council.

The Council's Solicitor explained the procedure that the hearing would follow.

The Chairman informed everybody present that, although it was customary to record proceedings, this was not being done because the equipment was out of action.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, and to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The original application had been for the licence to permit the licensable activities as per the table below:

	Sale of Alcohol for Consumption on and off the premises	Late night refreshment (Indoors and Outdoors)	Opening hours
Sunday to Thursday	18:00 to 01:00	23:00 to 01:00	18:00 to 01:00
Friday and Saturday	18:00 to 03:00	23:00 to 03:00	18:00 to 03:00

An operating schedule was submitted by the applicant and would form part of any licence issued. The full operating schedule was detailed in the report.

The Licensing Officer advised that, at the time of publication of the agenda, the closing date for representations had not passed, but that a representation had been received from Royal Leamington Spa Town Council. Since publication of the agenda, no other representations had been received.

The Panel noted that a premises licence had been in place at 21 Bath Street from January 2006 until it had been surrendered by the previous owner of the premises in January 2014. That licence had been issued for the following:

	Sale of Alcohol for Consumption on and off the premises	Late night refreshment (Indoors and Outdoors)
Monday to Friday	10:00 to 00:00	23:00 to 02:00
Saturday and Sunday	10:00 to 00:00	23:00 to 03:00

As the premises were located within the Council's Cumulative Impact Zone, it was up to the applicant to prove that the application would not significantly impact on the Licensing Objectives.

Mr Muneer presented his case, advising the Panel that he had been running the premises for four years. He had assumed that the premises had a licence because the previous owner had licensed the premises and run a very similar business, and the Panel recognised that it was customary for a premise to retain a licence when ownership changed. However, Mr Muneer had recently discovered that the previous premises licence holder had surrendered his licence, hence this application.

The Panel asked why Mr Muneer sought a licence to open up to three hours later than the previous licence. Mr Muneer responded that they would like to remain open until 2 am and then have an hour to tidy up. The Panel pointed out that Mr Muneer would only need a licence until 2 am rather than 3 am, as his staff could tidy up without the premises being open.

Mr Muneer confirmed that he had been selling alcohol since January 2014 but had not known that the premises was unlicensed, hence this application. The Panel accepted this misunderstanding, noting that there was a sign above the door of the premises which stated that it was fully licensed.

Ann Morrison presented the Town Council's concerns that an extension to licensing hours could have a negative impact on the area. The Council did not want to encourage late night drinking and was keen to enhance the historical nature of the area. Ms Morrison stated that residents lived near to the establishment. She also presented a number of conditions which the Town Council had suggested might provide some security and assurance to local residents should the Panel be minded to grant the application.

Mr Muneer responded to questions and confirmed that there was no outside drinking area at the premises. The premises provided food for customers to eat inside and Mr Muneer was not seeking to sell food or drink for consumption outside. Mr Muneer also stated that he would be willing to accept shorter hours if the Panel felt that was necessary, but that ultimately he just wanted to run an establishment providing food and allowing customers to have a drink with their food if they wished.

At 2.27 pm the Chairman asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that the Panel has listened carefully to the representations made by the Applicant and the Town Council.

The Panel considers that no evidence has been brought before it that demonstrates that there would be an increase in public nuisance arising from the provision of Late Night Refreshment in accordance with the application, particularly as this is a reduction in hours compared to the previous licence relating to the premises. In this respect, it is relevant that there have been no representations from Environmental Health or occupants of neighbouring premises.

However, in respect of the sale of alcohol, it is relevant that the premises are in the Cumulative Impact Zone and the Panel does not feel that the Applicant has demonstrated that there would be no increase in public nuisance arising from the sale of alcohol until 3.00 am. The Panel is of the view that 1.00 am would be acceptable.

The Licence is therefore granted for Late Night Refreshment as requested in the application. The Sale of Alcohol will be permitted in accordance with the application save that it will only be permitted until 1.00 am on Friday and Saturday. The Panel has decided that it is appropriate to impose a condition that restricts the sale of alcohol to being ancillary to a substantial meal.

At 2.51 pm all parties were invited back into the room, at which time the Council's Solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal the decision to the Magistrates Court within 21 days of the formal decision being published.

(The meeting ended at 2.53 pm)