

 <b>Licensing &amp; Regulatory Committee</b> <b>1 February 2017</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for J B Pizza, 10 Clarendon Avenue, Leamington Spa	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	13.1.2017	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps: N/A		

## 1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Mr Jagjeet Biryah for J B Pizza, 10 Clarendon Avenue, Royal Leamington Spa.
- 1.2 A representation has 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 a premises licence for J B Pizza, 10 Clarendon Avenue, Royal Leamington Spa should be granted and, if so, whether the licence should be subject to any conditions.

## 3. **Reasons for the Recommendation**

- 3.1 Mr Jagjeet Biryah applied for a premises licence for J B Pizza, 10 Clarendon Avenue, Royal Leamington Spa on 12 December 2016. The premises licence application is for the sale of alcohol for collection or delivery from the take away premises. The licensable activities requested are set out in the table below:

	Opening Hours	Sale of alcohol for consumption off the premises
Everyday	11:00 to 23:00	11:00 to 23:00

- 3.2 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

### *General*

Nothing beyond existing health and safety/fire safety requirements, including laws relating to the sale of alcohol.

### *Prevention of Crime and Disorder*

Nothing beyond existing health and safety/fire safety requirements, including laws relating to the sale of alcohol.

### *Public Safety*

Nothing beyond existing health and safety/fire safety requirements, including laws relating to the sale of alcohol.

### *Protection of Children From Harm*

Nothing beyond existing health and safety/fire safety requirements, including laws relating to the sale of alcohol.

### *Prevention of Public Nuisance*

Nothing beyond existing health and safety/fire safety requirements, including laws relating to the sale of alcohol.

- 3.3 The Licensing Department have received a representation in relation to this application. An objection has been received from a resident within the vicinity, attached as appendix 1.
- 3.4 A representation was received from Warwickshire Police, however, following discussions taking place between Warwickshire Police and the applicant, conditions have been agreed and subsequently the representation has been withdrawn. The conditions agreed are:
1. No alcohol sales will be made after 10pm for orders unless pre-booked collections or deliveries, no walk in orders will include alcohol after this time.
  2. All alcohol will be supplied in non-transparent carrier bags or similar.
  3. Deliveries of alcohol are only to be delivered to fixed structures or dwellings or places of business, no public areas.
  4. Alcohol will only be supplied (whether in store or delivery) with orders of food and not as a sole product.
  5. All Staff training and refusals records to be maintained and made available for inspection on reasonable request from responsible authority.
  6. A 'challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card, this includes in store and at the point of delivery.
  7. CCTV to be installed and the premises licence holder must ensure that :-
    - a. CCTV cameras are located within the premises to cover as a minimum the entrance/exits and service / till area.
    - b. The system records clear images permitting the identification of individuals.
    - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
    - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
    - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
    - f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
    - g. Signed off by Warwickshire Police Architectural Liaison officer.
- 3.5 Following discussions with Trading Standards, the applicant agreed to amend his application to include the following conditions:
1. A 'challenge log' recording all challenges - where both sales and refusals result.
  2. Alcohol will only be made available for sale from behind the counter (not for self-service) to ensure the age of all purchasers can be verified prior to sale.
  3. Display signage to notify the public that the premises operates a Proof of Age scheme.
  4. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made.
  5. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.

3.6 No representations have been received from:

- Fire Authority
- Environmental Health
- Enforcement Agency for Health and Safety.
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health
- Body responsible for the protection of children from harm

3.7 There have been no premises licences at this address and therefore no licensing information in relation to this premises may be produced.

3.8 A plan of the premises provided by the applicant is attached as appendix 2, a map of the area is attached as appendix 3 and photographs of the area are 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.

4.2 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.

4.3 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.

#### 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 21 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.