

# Licensing & Regulatory Panel

Tuesday 5 May 2015

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A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Tuesday 5 May 2015 at **2.00 pm**.

Membership: Councillors Mrs Higgins, Illingworth and Pratt

## Emergency Procedure

At the beginning of the meeting the emergency procedure for the Town Hall will be announced.

## Agenda

### 1. **Appointment of Chair**

To appoint a Chair for the meeting.

### 2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

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

To consider a report from Health & Community Protection **(Item 3/Page 1)**

Published Monday 27 April 2015

General Enquiries: Please contact Warwick District Council, Riverside House,  
Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 353362

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Enquiries about specific reports: Please contact the officers named in the  
reports.

Details of all the Council's committees, councillors and agenda  
papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

Please note that the majority of the meetings are held on the first floor at  
the Town Hall. If you feel that this may restrict you attending this  
meeting, please call (01926) 353362 prior to this meeting, so that we can  
assist you and make any necessary arrangements to help you attend the  
meeting.

The agenda is also available in large print,  
on request, prior to the meeting by calling  
01926 353362.

 <b>Licensing &amp; Regulatory Panel - 5 May 2015</b>		<b>Agenda Item No.</b>  <div style="text-align: right; font-size: 2em;"><b>3</b></div>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Ali's Curry House, 21 Bath Street, 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

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	15.4.2015	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	15.4.2015	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 premises licence from Mr Mohammed Muneer.
- 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 Ali's Curry House, 21 Bath Street, Leamington Spa should be approved and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Mr Mohammed Muneer applied for a premises licence on 23 March 2015. The premises is a restaurant seating approximately 52 persons.

The licensable activities requested are set out in 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

- 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*

I will be employing a general manager to oversee all areas.

*The prevention of crime and disorder*

Will install CCTV camera

*Public Safety*

Whilst in the premises, CCTV with recording facilities

*The prevention of public nuisance*

Customers will be asked to leave quietly and notices will be displayed

*The protection of children from harm*

To enter these premises children will be accompanied by their parents.

- 3.3 At the time of writing this report the end date for representations, which is the 20 April 2015, has not passed. At present a representation has been received from Royal Leamington Spa Town Council, attached as appendix 1. Should any further representations be received these shall be circulated separately.

3.4 There have been no representations received from:

- Warwickshire Police
- Fire Authority
- 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
- Authority responsible for Environmental Health
- Warwickshire County Council (Weights and Measures)

3.5 A premises licence was in place at 21 Bath Street from January 2006 until January 2014, when it was surrendered by the previous owner of the premises. The premises licence was 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

Opening Hours: The premises may be open for non-licensable activities at times other than those stated.

3.6 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

3.7 A map of the area of the premises is attached as appendix 2 and a plan of the internal area of the premises submitted by the applicant is attached as appendix 3.

#### 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 4)
- 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.

<b>Licensing Act 2003 Representation Form</b>	
<b>Section 1 - Application Details</b>	
<b>I object to the following Application:</b>	
Applicant's name (if known): Mohammed Muneer  Premises name and address: Alis Curry House, 21 Bath Street, Leamington Spa CV313AF	
Application for a	Premises Licence..... <input checked="" type="checkbox"/> X  Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application Number	

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b>	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	
First name(s)	
Address (incl postcode):	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because
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If you represent residents or businesses please complete the boxes below

Organisation name if applicable	Royal Leamington Spa Town Council
Please state nature of representation:  The Town Council at its Planning Meeting on 1 April 2015 raised an objection to the granting of Premises Licence to Alis Curry House on the grounds that the current timings and conditions for the supply of late night refreshments and alcohol up to 1.00am and 3.00am (indoors and outdoors) would create a public nuisance to local residents and could impact on public safety and crime and disorder.	



Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><b><i>You can tick more than one box</i></b></p>	<p>X Prevention of crime and disorder.</p> <p>X Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p>X Public safety</p>

<input type="checkbox"/>	I object to the application being granted at all
<input checked="" type="checkbox"/>	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:  
 You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.  
 Please attach supporting documents / further pages as necessary - Please number all extra pages

The Town Council objected to the application for the following reasons:

1. The current timings and conditions for the supply of late night refreshment and alcohol up to 1.00am and 3.00am (indoors and outdoors) would create a public nuisance to local residents and could impact on public safety and crime and disorder.
2. If the License be approved then the Council recommends that the following conditions are imposed:
  - a) Opening hours should be reasonable and should not be extended.
  - a) The provision of service to tables by waiters/waitresses.
  - b) The provision of alcohol must only be provided ancillary to a substantial table meal.

Signed *Nina Hamlett* on behalf of Royal Leamington Spa Town Council  
 Date 2 April 2015

