

 Licensing & Regulatory Panel - 5 May 2015		Agenda Item No. <div style="text-align: right; font-size: 2em;">3</div>
Title	Application for a premises licence under the Licensing Act 2003 for Ali's Curry House, 21 Bath Street, Leamington Spa.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	None	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
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
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

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.