

 Licensing Panel 20th August 2013		Agenda Item No. 4
Title	Application for the grant of a premises licence under the Licensing Act 2003 for Spicy Bites, Clemens Street, Leamington Spa	
For further information about this report please contact	Jayne Bailey, Licensing Officer, Health & Community Protection. Tel: 01926 456113. jayne.bailey@warwickdc.gov.uk	
Service Area	Health & Community Protection	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	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

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	15/7/2013	Richard Hall
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	15/7/2013	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. **SUMMARY**

- 1.1 The holder of a premises licence issued under the Licensing Act 2003 (the Act) may apply for a variation of that licence.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report, and consider a variation application for Spicy Bites, 14 Clemens Street, Leamington Spa.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the provisions of the Act a premises that provides late night refreshment requires a premises licence.
- 3.2 A premises licence was granted for this address in 2006. Since then a transfer took place in 2010 and a new application was made in 2012 to request an extension of hours which was refused. In February 2013 Mr Jaffar applied for a transfer which was issued.
- 3.3 The proposed varied hours applied for are as follows:

Late night refreshment (Take away)

Sunday to Wednesday from 23:00 to 02:00

Thursday to Saturday from 23:00 to 03:30

Seven days a week from 23:00 to 00:00 (Inside premises)

- 3.4 An operating schedule which will form part of any licence issued has been supplied as follows:

General

Co-operation with police and council authorities in managing four licensing objectives by training the staff.

Prevention of crime and disorder

CCTV already been installed under the guidance of Warwickshire Constabulary Officer (inspected and approved). Queuing system with quick service to prevent large gathering. Polite refusal to known potential troublemaker. Further action upon guidance given by Police. Compliance with any conditions imposed by the authorities to achieve the objective.

Public safety

All cooking equipment located securely behind a tall counter preventing accident to visitors. Staff to be trained on Health and Safety at premises in accordance with Council guidance. Compliance with any conditions imposed by the authorities to achieve the objective.

Prevention of public nuisance

Hourly inspection specially at closure of business by staff to ensure immediate vicinity of premises is litter free. Self-closing door to prevent noise from escaping. Politely dispersing gathering if any outside the premises. No music or radio will be played in any part of the premises.

Protection of children

Children are usually accompanied by adults when visiting the premises.

- 3.5 Relevant representations against the grant has been received from Warwickshire Police (**Appendix 1**) and Environmental Health (**Appendix 2**)
- 3.4 *For information only*, Spicy Bites currently hold a premises licence that permits the following:

Late Night Refreshment (take away)

Sunday to Wednesday	23:00 to 00:00
Thursday to Sunday	23:00 to 03:00

On the premises in seating area

Seven days a week 23:00 to 00:00

Opening Hours

Sunday to Wednesday	23:00 to 00:00
Thursday to Sunday	23:00 to 03:00

- 3.5 A map of the area of the premises are attached as **Appendix 3**
- 3.7 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.

- 3.8 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 compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.

- 3.9 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.

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

- 6.1 None

7. **BACKGROUND**

- 7.1 None.