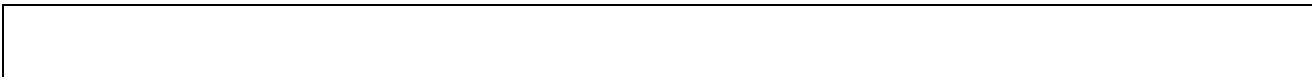
		Licensing Panel 8 September 2014	Agenda Item No. 3
Title		Application for the variation of a premises licence under the Licensing Act 2003 for Castle Kebabs	
For further information about this report please contact		Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	22/08/2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	22/08/2014	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 variation to a premises licence from Mr Halil Guner.
- 1.2 Representations have 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 the variation of a premises licence for Castle Kebabs, 46b Saltisford, Warwick, should be approved and, if so, whether the Licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Mr Guner applied for a premises licence on 18 February 2014 and the licence was subsequently granted following a Licensing Panel Hearing which took place on 22 April 2014. Mr Guner submitted a variation application on 14 July 2014 to add the sale of alcohol for consumption off the premises for the following hours:

Sale of alcohol for the consumption off the premises
Sunday to Thursday from 15:00 to 23:00
Friday and Saturday from 15:00 to 01:00

- 3.2 Since the licence was granted in April 2014 the Licensing Department has not received any complaints in relation to these premises. Street Marshalls do not operate in Warwick and therefore information can also not be presented in relation to their involvement at the premises.
- 3.3 An operating schedule is already in place at the premises along with a number of conditions which form part of the current licence. The operating schedule and conditions are as follows:

General

Extension of hours only on Friday and Saturday.
No alcohol served on or off premises.

The prevention of crime and disorder
CCTV in operation.

Public safety

Mr H Guner hot food only, no alcohol.
Nothing beyond existing Health and Safety/Fire Safety etc requirement.

Prevention of public nuisance

Mr H Guner will attend to this. Hot food only, no alcohol.

Protection of children from harm

N/A

Conditions agreed with the Licensee

1. No music to be played in the premises whilst open.
2. No children under 16 years to be allowed in to the shop after 11pm, except in the company of an adult.
3. CCTV must be installed to the current British Standard, record at all times when licensable activities take place, and must include:
Cameras must cover entrance and service till.
Head and facial recognition.
Capable of recording and storing 31 days continuously.
Someone must be on duty when licensable activities take place who is capable of downloading images upon request by an authorised officer.
The image quality must be of a minimum of 12 frames per second.
The system must be signed off by Warwickshire Police Architectural Liaison Officer.

3.4 Objections have been received from Warwickshire Police attached as appendix 1 and Warwickshire County Council Children's Services attached as appendix 2.

3.6 There have been no representations received from:

- Fire Authority
- Environmental Sustainability
- Enforcement Agency for Health and Safety.
- Trading Standards
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health

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

- 4.3 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.
- 4.4 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 28 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.