

		<b>Licensing Panel</b> <b>11 December 2013</b>	<b>Agenda Item No. 4</b>
<b>Title</b>		Application for the grant of a premises licence under the Licensing Act 2003 for 12a 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 &amp; 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	29.11.2013	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	29.11.2013	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 new premises licence from Mr Saied Maralani for 12a Clarendon Avenue, Leamington Spa.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of this application.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the grant of a premises licence for 12a Clarendon Avenue, Leamington Spa, should be approved and if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Mr Maralani has applied for a premises licence for 12a Clarendon Avenue, Leamington Spa. The table below shows what has been applied for.

	<b>Late Night Refreshment</b>	<b>Opening Hours</b>
<b>Monday, Wednesday and Sunday</b>	23:00 to 00:00	11:00 to 00:00
<b>Tuesday, Thursday, Friday and Saturday</b>	23:00 to 03:00	11:00 to 03:00

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

*General*

Consideration must be given to the following:

Public safety, personal safety, environmental Protection Duty of care (Waste disposal)

All entrances, exits and escape routes kept free of obstacles at all times.

Training of staff and management in the basic food hygiene and safe handling of all food. Health and safety at work act 1974 to be observed by taking steps for the safety of employees, customers, visitors and on site contractor. Keeping health and safety risk assessments, accident book analysis. Provision of CCTV in operation. To follow the rules and adhere to policy and procedures lay down by the licensing authority at all times.

*Public safety*

The premises comply with all requisite health and safety legislation. All reasonable steps to protect health, safety and welfare at work of staff, customers, visitors and onsite contractors by the design and layout of the premises are prime objective of the management, hence keeping all access/egress and fire escape routes clear at all times, provision of adequately visible signage. Regular servicing of all equipment, allowing drunken and disorderly customers to enter the premises and to refuse service to such persons entering the premises. Provision and regular servicing of fire extinguishers and training of staff in the correct use of them. Continued training of all staff in handling of alcohol. Regular servicing of safety equipment by qualified and registered person. In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always

encourage them to take advantage of our home delivery service, which is our primary aim to the way in which we serve customers.

*The prevention of public nuisance*

The premises doors and windows will be kept closed after 23:00 hours (save for the access and egress through the doors) to prevent transmission of noise. Basic training in licensing laws to be operated to all staff (new and old) offering a six months refreshment training. All training will be document and stored appropriately and available to any RA's for review. A refusal and incident log book needs to be implemented and maintained for all RA's to have access to. Staff will be given appropriate training on how to complete and maintain the booklet.

Customers will be asked to leave the premises quietly and with due consideration for our neighbours. Music will not be played in the premises. Our delivery drivers are instructed to enter and leave their vehicles quietly, not to leave engines running, to park considerately and at all times to have in mind our neighbours (particularly residential occupiers). We would have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion. Our equipment is properly sound and insulated and operated in accordance with manufacturer's requirement, guide lines and tolerances. All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is no escape of cooking smells to neighbouring premises. We neither use nor supply glassware.

CCVT in operation 24 Hours.

*The protection of children from harm*

Our shop is not licensed for the sale of alcohol. Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child unaccompanied by an adult would visit our store during the hours for which we are listed.

Exclusions of children in and or around the kitchen cooking area. Requirement for all children to be accompanied by adults. All children must have adequate supervision at all times while they are present in the takeaway. Children will not be allowed to roam freely around the premises.

*The prevention of crime and disorder*

CCTV is to be installed to current BS7958 with cameras strategically placed around the venue to cover all public areas. Head and facial recognition coverage. Images to be recorded in real time, ideally 25 frames per second, but a minimum of 12 frames/second. CCTV should be of a good quality with 24hr recording and retained for 31 days. CCTV should be at the standard request of WMP and available to any RA's. Recordable footage should be in consultation with WMP. A member of staff will be fully trained in operating and downloading recordable images at the request of any RA's. We will actively cooperate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our shop. We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately of any such suspected activity on or in the vicinity of the shop.

- 3.3 Relevant representations have been received from Warwickshire Police, attached as appendix 1, Environmental Health attached as appendix 2, a Ward Councillor attached as appendix 3, Leamington Town Council attached as appendix 4, and three local residents attached as appendices 5 to 7.

- 3.4 **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.**
- 3.5 A plan of the premises submitted by the application is attached as appendix 8 and a map of the area of the premises is attached as appendix 9.
- 3.6 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 10)
  - 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.

- 3.7 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.
- 3.8 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. **BUDGETARY FRAMEWORK**

- 4.1 Any costs involved in any appeal could be levied against the Licensing Authority.

#### 5. **ALTERNATIVE OPTION(S) CONSIDERED**

- 5.1 No alternatives may be considered

#### 6. **BACKGROUND**

- 6.1 None