



## Agenda Item 3

Licensing and Regulatory Panel  
26<sup>th</sup> January 2021

**Title: Application for a Premises Licence under the Licensing Act 2003 for Robins Cellar, 2 Victoria Terrace, Royal Leamington Spa**  
**Lead Officer: Rachael Russell**  
**Portfolio Holder: Judy Falp**  
**Public report**

**Wards of the District directly affected:** Leamington Clarendon

Contrary to the policy framework: No  
Contrary to the budgetary framework: No  
Key Decision: No  
Included within the Forward Plan: No  
Equality Impact Assessment Undertaken: No  
Consultation & Community Engagement: No  
Final Decision: Yes  
Accessibility checked: Yes

### **Officer/Councillor Approval**

<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Head of Service	06/01/2021	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	07/01/2021	Graham Leach

## **1. Summary**

- 1.1. Warwick District Council, as the Licensing Authority, has received a valid premises licence application for Robins Cellar, 2 Victoria Terrace, Leamington Spa, CV31 3AB. Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

## **2. Options available to the Panel**

- 2.1 Members are asked to consider the information contained in this report and decide whether the premises licence application for Robins Cellar, 2 Victoria Terrace, Leamington Spa, CV31 3AB, should be granted and, if so, whether the licence should be subject to any additional conditions.

The following options are available to members:

Option 1 – Grant the application as requested;

Option 2 – Grant the application with amended hours and/or added conditions, or;

Option 3 – Refuse the application.

## **3. Details for Consideration**

- 3.1 When considering the application the panel must also 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 7)
  - 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 must only consider those licensing objectives which have been referred to in the representations received.

- 3.2 The Council's Statement of Licensing Policy 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.

- 3.3 Details of the procedure adopted by the Licensing and Regulatory 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.
- 3.4 Mr Sandeep Panaich and Mr Kamaljit Dhesi applied for a new premises licence at Robins Cellar, 2 Victoria Terrace, Leamington Spa, CV31 3AB on 3<sup>rd</sup> December 2020.

- 3.5 The licensable hours and activity applied by the applicants are detailed below:

Opening Hours of the premises:

Monday to Sunday from 12:00 to 04:00

Supply of Alcohol for Consumption On the Premises:

Monday to Sunday from 12:00 to 03:00

Live Music (Indoors Only):

Sunday to Wednesday from 12:00 to 23:00

Thursday from 12:00 to 00:00

Friday and Saturday from 12:00 to 01:00

Recorded Music (Indoors Only)

Sunday to Wednesday from 12:00 until 23:00

Thursday from 12:00 until 01:00

Friday and Saturday from 12:00 until 03:00

An operating schedule, which has been submitted by the applicants and will form part of any licence issued is attached as appendix 1.

The applicants have agreed conditions Warwickshire County Council Safeguarding and Trading Standards which are attached as appendix 2. Their objections were subsequently withdrawn.

- 3.6 The Licensing Department have received objections from the following responsible authorities:

- Warwickshire Police
- Environmental Health

Their objections are attached as appendices 3 & 4.

The applicants have agreed to the conditions put forward by Warwickshire Police but did not wish to amend the hours the premises are open.

3.7 No representations have been received from:

- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

3.8 A plan of the premises is attached as appendix 5. A map of the area is attached as appendix 6 alongside current photos of the premises. A copy of the statement of licensing policy is attached as appendix 7.

## 4. Policy Framework

### 4.1. Fit for the Future (FFF)

4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

### 4.2. FFF Strands

#### 4.2.1 External impacts of proposal(s)

**People - Health, Homes, Communities** - The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.

**Services - Green, Clean, Safe** – None.

**Money- Infrastructure, Enterprise, Employment** - The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

#### 4.2.2. Internal impacts of the proposal(s)

**People - Effective Staff** – None.

**Services - Maintain or Improve Services** - None.

**Money - Firm Financial Footing over the Longer Term** - None.