

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Friday 8 May 2009, at the Town Hall, Royal Leamington Spa at 10.00am.

PANEL MEMBERS: Councillors Coker, Heath and Mobbs.

ALSO PRESENT: John Gregory (Council's Solicitor), David Davies (Licensing Services Manager) and Lucy Elrick (Committee Services Officer).

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Coker be appointed as Chairman for the hearing.

2. DECLARATIONS OF INTEREST

Minute Number 3 - Application For A Premises Licence – Dino Pizza, 65 Bedford Street, Leamington Spa

Councillors Coker, Heath and Mobbs declared personal interests because two of the interested parties were fellow Warwick District Councillors.

3. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR DINO PIZZA, 65 BEDFORD STREET, LEAMINGTON SPA

The Chair introduced himself, other Members of the Panel and Officers, and asked the other parties to introduce themselves.

The applicant, Mr U Dogun attended along with Mr A Atik to represent the application.

Councillor Gifford attended as an interested party and Councillor Crowther attended to represent the representations made by Dr Cave and Mr Sylvester.

Sergeant Calver attended as responsible authority for the Police and Mr Briggs attended as responsible authority for Environmental Health.

The Council's Solicitor explained the procedure which would be followed at the hearing.

A report from Members' Services was submitted which sought a decision on a premises licence application, in respect of Dino Pizza, 65 Bedford Street, Leamington Spa where representations had been made by responsible authorities and interested parties.

The Licensing Services Manager outlined the report and asked the Panel to consider all the information contained within the report along with the representations at the hearing and determine if the application for a premises licence should be approved.

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Copies of the representation had been supplied to the applicant and were circulated with the report.

The report referred to those matters to which the Panel had to give consideration, which included the representations received, the statutory guidance issued by the Secretary of State, the Council's Licensing Policy Statement and the Licensing objectives.

The report from Members' Services which was submitted to the Panel presented an application for a premises licence to permit the following:

Late night refreshment:

23:00 to 03:00 Monday to Thursday
23:00 to 04:30 Friday and Saturday
23:00 to 01:30 Sunday

The opening hours are shown as:

23:00 to 03:00 Monday to Thursday
23:00 to 04:30 Friday and Saturday
23:00 to 01:30 Sunday

All of the above hours extended as follows:

Bank holidays until 04:30

An operating schedule had also been submitted which would form part of any licence issued.

However, the Panel only considered those licensing objectives which had been referred to in the representations received.

The Council's Licensing Policy Statement provided that the authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licences, where necessary, in order to ensure compliance with the four licensing objectives. Each application would be judged on its own individual merits.

In accordance with the agreed procedure, Mr Dogan outlined his case in support of the application. Mr Dogan responded to questions from members of the Panel.

Sergeant Calver outlined the representations made by the Police as a responsible authority. He also gave evidence of statistics that whilst Dino Pizza was opening unlawfully and in breach of its current licence until 4.30am, for a period of 10 months the crime incidents along Bedford Street amounted to 61 incidents. Following enforcement over the past 6 months, Dino Pizza has been closing at 3am in accordance with the present licence in force. Sergeant Calver reported that crime had reduced to as little as 26 incidents, resulting in a 62% decrease since Dino Pizza had been closing at 3am. Since Dino Pizza was the

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only premises open until 4.30am, it can be assumed that it was the cause of the numerous crime and disorder incidents.

Sergeant Calver responded to questions from members of the Panel.

Mr Briggs, Environmental Health Officer, outlined the representations made by Environmental Health as a responsible authority. Mr Briggs responded to questions from the interested parties.

The applicant was given the opportunity to ask questions of the responsible authorities but did not ask any.

Councillor Gifford outlined his representations which had been previously circulated.

Councillor Crowther outlined the representations made by Dr Cave and also Mr Sylvester on their behalf.

The applicants were given the opportunity to ask questions of the interested parties but did not ask any. They then summed up their application for the panel.

At 11.15am, the Chair of the Panel asked all parties present to leave while the panel deliberated and determined the application.

In accordance with the adopted procedure, the Panel then retired with the Council's Solicitor and Committee Services Officer to deliberate in private.

At 11.27am, the panel returned and announced their decision and the reasons for the decision. The Council's Solicitor also announced the legal advice given to the panel during their deliberation and determination of the application.

RESOLVED that the application be REFUSED for the following reason:

The Panel came to the view that the Police, Environmental Health and the interested parties had raised valid concerns and presented evidence that granting the licence was likely to result in an increase in public nuisance and crime and disorder in the vicinity. The Panel therefore decided to reject the premises licence application.

Upon making their decision, the Panel considered the representations of the applicant, interested parties and responsible authorities. The Panel also took into account the fact that the premises were within the cumulative impact zone.

In making their decision, the Panel had regard to the report received, the representations made by the applicants and the interested parties, the

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Licensing Act 2003 and the Guidance issued under s182 of the Act, the Council's Licensing Policy, and the Human Rights Act 1998.

All parties were advised of their right to appeal the decision to the Magistrates Court within 21 days.

(The hearing ended at 11.30am)