

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Tuesday 30 December 2014, at the Town Hall, Royal Leamington Spa at 10.00 am.

Present: Councillors Gill, Mrs Grainger and Pratt.

Also Present: Caroline Gutteridge (Council’s Solicitor), Graham Leach (Democratic Services Manager & Deputy Monitoring) and Rachael Russell (Licensing Officer).

1. **Appointment of Chairman**

Resolved that Councillor Mrs Grainger be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a premises licence under the Licensing Act 2003 for Papa Johns, 49 Bath Street, Leamington Spa**

The Panel considered a report from Community Protection which sought a decision on an application from Papa Johns for a premises licence.

The Chair, members of the Panel and officers introduced themselves. The other parties then introduced themselves as the applicant/owner Mr Gurnek, Mr Carr (the applicant’s representative) and Councillor Gifford on behalf of Royal Leamington Spa Town Council.

The Council’s Solicitor explained the procedure that the hearing would follow.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, and to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The original application had been for the licence to permit the licensable activities as per the table below:

	Provision of late night refreshment for consumption outdoors	Opening hours
Sunday to Thursday	23.00 to 01.00	10.30 to 01.00
Friday and Saturday	23.00 to 01.00	10.30 to 01.00

An operating schedule was submitted by the applicant and would form part of any licence issued. The full operating schedule was detailed in the report.

The Licensing Officer advised that representations had been received from Royal Leamington Spa Town Council, copies of which were appended to the report. In addition, the Panel was advised that the Police had withdrawn their

representation following agreement with the applicant to accept their proposed conditions.

Mr Carr explained that the application was only for late night refreshment for the purposes of delivery only. The applicant operated a number of similar premises located in Banbury, Rugby, Sheffield, Birmingham and Cheltenham, which had licences to operate into the early hours of the morning. No complaints had been received about the operation of any of these premises.

Typically the demand for this type of business was between 19:00 and 21.00 then 23:00 and 03:00. He highlighted that there were 10 other premises nearby which were open up to between 1am and 4am for the sale of fast food. However this application was different in that after 11.00pm the business would be delivery only and not permit customers into the premises.

It was the view of the applicant that because of the nearby premise and this application was for delivery only, there would be no further impact on the cumulative impact zone.

In response to questions from the Panel and the Town Council it was explained that:

- Delivery drivers would collect their deliveries from the rear of the premises and not the front;
- The front lights of the premises would be turned off;
- Signage would be placed in the window to explain that the premises were closed but home delivery could be made by placing a telephone order;
- The licence holder would continue to monitoring the situation regarding deliveries and customers trying to get into the front of the premises and if required would employ SIA door staff;
- The licence was not for serving or selling of alcohol;
- Customers would not be permitted to collect from the premises, even from the rear door;
- They would enforce that delivery drivers must walk to the rear from an agreed parking space and they would be reminded about being courteous to neighbours by keeping noise to a minimum;
- CCTV monitors would be on all entrances and public areas of the premises;
- They would agree to a condition of no access to the front of the premises to any party after 23.00; and
- The focus was on employing local people.

Councillor Gifford, on behalf of Royal Leamington Spa Town Council; addressed the Panel explaining that the Town Council's main concern was the number of similar premises in the area that attracted and kept people in this area until late into the morning. Therefore they wanted to ensure that customers could not access the premises after 23.00 and any disturbance from delivery drivers after this time was kept to a minimum.

He explained the Council would welcome an appropriate condition about this along with the suggested signage and lighting arrangements from the applicant.

At this point, at the request of the Chairman, the Council's Solicitor read out the following condition which she had drafted during the debate:

"Between the hours of 23:00 and 01:00 hours Monday to Sunday, the front door of the premises must be locked with no entry to visiting members of the public

and deliveries must be made from the rear access only. During these hours all deliveries must be made to a fixed address following pre-order."

This was welcomed by all parties as being an appropriate way forward.

Mr Carr declined the opportunity to sum up.

At 10.24am the Chair asked all parties other than the Panel, the Council's Solicitor and the Democratic Services Manager, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved to grant the application. In arriving at their decision, the Panel has taken into account the statutory guidance and Warwick District Council's statement of licensing policy. The premises are situated within the cumulative impact zone and the Panel is aware that the onus of proof is on the applicant to show that the licence will not impact upon the licensing objectives. Having heard the evidence from the applicant and the Town Council the Panel have decided to grant the licence with the following condition:

Between the hours of 23:00 and 01:00 hours Monday to Sunday the front door of the premises must be locked with no entry to visiting members of the public and deliveries must be made from the rear access only. During these hours all deliveries must be made to a fixed address following pre-order.

The Panel welcome the applicant's proposed signage encouraging customers to go home and telephone for delivery and would also advise that delivery drivers are to be made aware of the need to be considerate to local residents when arriving at and leaving the rear of the premises.

At 10.31am all parties were invited back into the room, at which time the Council's solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal the decision within 21 days of the formal decision being published.

(The meeting ended at 10.35 am)