

		Licensing Panel 29th October 2012	Agenda Item No.
Title		Application for the grant of a premises licence under the Licensing Act 2003 for Spicy Bites, Clemens Street, Leamington Spa	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area		Community Protection	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	15/10/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	15/10/2012	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. **SUMMARY**

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to provide late night refreshment must hold a premises licence.

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 Spicy Bites, Clemens Street, Leamington Spa should be approved, and, if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Mr Ishtiaq AHMED applied for a premises licence for a Spicy Bites on the 17th September 2012 to authorise the following activities:

Late Night Refreshment

Sunday to Wednesday	23:00 to 02:00
Thursday to Saturday	23:00 to 03:30

Opening Hours

Sunday to Wednesday	17:00 to 02:00
Thursday to Saturday	17:00 to 03:30

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

General

Music will not be played at the premises. Staff will be trained to effectively deal with late night customers. Menu containing items requiring longer time for preparation would be withdrawn at late night so that customers are served quickly. Co-operation with Police and Council Authorities in managing the four licensing objectives by training the staff.

Prevention of crime and disorder

CCTV already been installed under the guidance of Warwickshire Constabulary Officer (inspected and approved). Queuing system with quick service to prevent large gathering. Polite refusal to known potential troublemaker. Further action upon guidance given by Police. Compliance with any conditions imposed by the authorities to achieve the objective.

Public safety

All cooking equipment located securely behind a tall counter preventing accident to visitors. Staff to be trained on Health and Safety at premises in accordance with Council guidance. Compliance with any conditions imposed by the authorities to achieve the objective.

Prevention of public nuisance

Hourly inspection specially at closure of business by staff to ensure immediate vicinity of premises is litter free. Self-closing door to prevent noise from escaping. Politely dispersing gathering if any outside the premises. No music or radio will be played in any part of the premises.

Protection of children

Children are usually accompanied by adults when visiting the premises. Compliance with any condition imposed by the authorities to achieve the objective.

3.3 Relevant representations against the grant has been received from Warwickshire Police (**Appendix 1**) and Environmental Health (**Appendix 2**)

3.4 *For information only*, Spicy Bites currently hold a premises licence that permits the following:

Late Night Refreshment (take away)

Sunday to Wednesday 23:00 to 00:00
Thursday to Sunday 23:00 to 03:00

On the premises in seating area

Seven days a week 23:00 to 00:00

Opening Hours

Sunday to Wednesday 23:00 to 00:00
Thursday to Sunday 23:00 to 03:00

3.5 A map of the area of the premises are attached as **Appendix 3**

3.6 Important further information

The owner of the premises was invited to Riverside House on the 9th October 2012 for a taped P.A.C.E. interview under caution as it was alleged that he had been opening on several occasions long past the time permitted by his premises licence. CCTV evidence is held by officers which, in the view of officers, confirms these breaches. The CCTV evidence will be available at the hearing should members wish to view it.

The owner had been warned several times in the past.

Currently, a file is being submitted to the council's legal team regarding the offences. There are three possible actions that may result from the interview that took place; nothing, a simple caution offered or a prosecution instigated. No decision has definitively been made at the time of writing this report.

3.7 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 4**)
- 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.

- 3.8 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.
- 3.9 Details of the procedure adopted by the Licensing Committee for Panel Hearings has 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. **ALTERNATIVE OPTION CONSIDERED**
 - 4.1 No alternatives may be considered.
- 5. **BUDGETARY FRAMEWORK**
 - 5.1 This report has no budgetary considerations for the Council.
- 6. **POLICY FRAMEWORK**
 - 6.1 None
- 7. **BACKGROUND**
 - 7.1 None.