

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Tuesday 20 August 2013, at the Town Hall, Royal Leamington Spa at 2.00pm.

**PANEL MEMBERS:** Councillors Mrs Bunker, Illingworth and Vincett

**ALSO PRESENT:** Jayne Bailey (Licensing Enforcement Officer), Max Howarth (Council's Solicitor) and Graham Leach (Democratic Services Manager).

## 1. **APPOINTMENT OF CHAIR**

**RESOLVED** that Councillor Illingworth be appointed as Chair for the hearing.

## 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 3. **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR SPICY BITES, CLEMENS STREET, ROYAL LEAMINGTON SPA**

A report from Health and Community Protection was submitted which sought a decision on a variation application for a premises licence for Spicy Bites, Clemens Street, Royal Leamington Spa.

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

The applicant, Mr Jaffar, was present and was assisted by his friend Mr Khan. Sergeant Calver was in attendance on behalf of the Police and Peter Lawson attended on behalf of Environmental Health.

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

The Licensing Enforcement 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.

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

The report advised that the applicant had applied for the following:

Late Night Refreshment (takeaway)  
Sunday to Wednesday from 23:00 until 02:00  
Thursday to Saturday from 23:00 until 03:30

## **LICENSING PANEL HEARING MINUTES (Continued)**

Late night refreshment on the premises every day of the week from 23:00 to 00:00.

An operating schedule had been submitted with the application, which would form part of any premises licence issued and was set out in the report.

The application was for an addition to the current licence of two hours of operation between Sunday and Wednesday and an additional 30 minutes Thursday to Sunday.

The applicant explained that the application was to enable the premises to compete with two premises opposite which currently operated during the hours they were applying for. The application was outside of the cumulative impact zone and the evidence provided by the Police did not suggest that the grant of the licence would increase the levels of disturbance recorded.

The licence had been changed three times recently because the premises was unable to compete with the premise open and without the licence it was likely to close permanently. This was a regeneration area and having empty premises would not help this. The premises already had CCTV.

The applicant responded to questions from the Panel and accepted that there was less violence and crime during the weekdays than the weekend.

Sergeant Calver, outlined the objection from Warwickshire Police. He explained that any business would create additional demand and not just share the current demand within the area. Any extension in the hours for a premises in this area would increase the chances of further crimes in this area. The statistics showed that there had been over 1300 incidents in this locality. The Police aimed to protect people from harm and the best way to do this would be to refuse the application.

There were no questions for Warwickshire Police.

Mr Lawson outlined the objection from Environmental Health. He explained that the premises was in the vicinity of residential properties and there already was a concentration of late opening premises in this area, just outside the cumulative impact zone.

The extension to the hours of this premises was likely to increase the noise nuisance in the area. It was therefore suggested that the licence should actually be reduced not increased, although there were no specific incidents against this premises.

There were no questions for Mr Lawson.

In summing up, the applicant explained that it was their opinion that by having more premises open it would not encourage more business but would allow the customers in the area to be served quicker and therefore leave the area quicker.

## **LICENSING PANEL HEARING MINUTES (Continued)**

It was also highlighted that if granted the applicant would look at improving noise reduction through improved door access and stopping all music in the premises after 23:00.

The applicant also explained that there had been an alleged breach of his current licence. The Solicitor for the Panel explained that this was not relevant to the application because it was an enforcement matter and should be disregarded.

There was not much litter from the premises and the staff would undertake hourly inspections outside the premises to clean up any rubbish in its vicinity.

The Chairman thanked all parties and asked them to leave, with the exception of the Solicitor to the Panel and the Democratic Services Manager, while they debated and took the decision.

The Panel had heard that the premises were located within an area where there was saturation of licensed premises however the Panel noted that the premises were not located within the cumulative impact zone.

The Panel noted that the premises had an existing licence and they had not heard any evidence of crime and disorder or public nuisance directly related to the premises.

The Panel were not convinced by the argument that the increase in hours would result in an increase in footfall which may result in an increase in crime and disorder and public nuisance, in the locality of the premises.

The Panel were convinced by the argument put forward by the applicant that the increase in hours would result in a quicker dispersal of people from the area.

**RESOLVED** that the licence be granted in accordance with the operating schedule within the report, for the following hours and subject to the following conditions.

- (1) the late night refreshment and opening hours will be:  
Monday from 23:00 to 02:00  
Tuesday from 23:00 to 02:00  
Wednesday from 23:00 to 02:00  
Thursday from 23:00 to 03:00  
Friday from 23:00 to 03:30  
Saturday from 23:00 to 03:30
- (2) the conditions are:
  - (1) CCTV system be installed and maintained to the requirements and satisfaction of Warwickshire Police; and

**LICENSING PANEL HEARING MINUTES (Continued)**

- (2) the premises be a member of the retail radio link and meet the requirements of this scheme.

All parties were invited back into the room and the decision was announced. They were reminded of their right to appeal the Panel's decision to the Magistrates Court within 21 days of formal notice of the decision.

(The meeting finished at 3.39 pm)