

 Licensing Panel 8 June 2010		Agenda Item No. 4
Title	Application for a variation of the premises licence under the Licensing Act 2003 for Dominos Pizza, 21 St Johns, Coten End, Warwick	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	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	23/04/2010	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance	23/04/2010	Andy Crump
Portfolio Holder(s)	23/04/2010	Councillor Kirton
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 a variation to a premises licence should be approved, and, if so, whether it should be subject to any conditions.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Sedona UK Ltd applied for and were granted a premises licence for late night refreshment only for Dominos Pizza in November 2005 to permit the following:

Late night refreshment

23:00 to 00:00 Friday and Saturday.

- 3.2 In December 2007, Sedona UK Ltd applied for and were granted a variation to the premises licence, which is currently in force, to permit:

Late night refreshment

23:00 to 24:00 Monday to Saturday

- 3.3 On 18th March 2010, Sedona UK Ltd applied for a variation to their premises licence to permit the following:

Late night refreshment on and off the premises

23:00 to 05:00 Seven days a week

- 3.4 An operating schedule, which explains any steps to be taken by the applicant to promote the four licensing objectives, and which will form part of any licence issued, has been provided. (Appendix 1)

- 3.5 Representations against the application have been received from Warwickshire Police (Appendix 2) and Environmental Health (Appendix 3) as Responsible Authorities as well as one from an interested party (Appendix 4)

- 3.6 Negotiations between the applicant and the police have resulted in a change of hours and an added condition being accepted by both parties. The police have withdrawn their representation provided that the modified hours and extra condition are added to any variation licence issued, the licence not to take effect until the condition below has been complied with. The changes that have been agreed are:

Late night refreshment on the premises

23:00 to 03:00 Seven days a week

Late night refreshment off the premises (takeaways)

23:00 to 05:00 Seven days a week

CCTV of British Standard B2378 providing live time recording to be installed in a position agreed with a Warwickshire Police Community Safety/Architectural. Images are to be retained for at least 31 days and must be made available to Warwickshire Police upon request.

3.7 A plan of the area is shown as Appendix 5

3.8 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 (Appendix 6).
- 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.

3.7 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.

3.8 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.