

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Tuesday 24 September 2019, at **10.00am**.

Membership: Councillors Calver, A Dearing, and Murphy.

## Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

## Agenda

### 1. **Appointment of Chairman**

To appoint the Chairman of the meeting.

### 2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

### 3. **Application for a premises licence issued under the Licensing Act 2003 for Casa Rica, 1 Brunswick Street, Leamington Spa, CV31 2DS**

To consider a report from Health & Community Protection **(Pages 1 to 22)**


Published Monday, 16 September 2019

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.  
Telephone: 01926 456114  
E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

Enquiries about specific reports: Please contact the officer named in the report. Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

		<b>Licensing &amp; Regulatory Panel</b> <b>24 September 2019</b>	<b>Agenda Item No. 3</b>
<b>Title</b>		Application for a premises licence issued under the Licensing Act 2003 for Casa Rica, 1 Brunswick Street, Leamington Spa, CV31 2DS.	
<b>For further information about this report please contact</b>		Tayyibah Daud, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 tayyibah.daud@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>		None	
<b>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?</b>		No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		N/A	
<b>Background Papers</b>		None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	12.09.2019	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
None		
<b>Final Decision?</b>		Yes
<b>Suggested next steps: N/A</b>		

## 1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence for Casa Rica, 1 Brunswick Street, Leamington Spa, Warwickshire.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

## 2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for 1 Brunswick Street, Leamington Spa should be granted and, if so, whether the licence should be subject to any additional conditions.
- 2.2 When considering the application the panel must also 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 7)
  - 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.

- 2.3 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 the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 2.4 Details of the procedure adopted by the Licensing Committee for Panel Hearings have 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.

## 3. **Reasons for the Recommendation**

- 3.1 Mr Mehdi Bijannejad applied for a premises licence for 1 Brunswick Street, Leamington Spa, Warwickshire on 9<sup>th</sup> August 2019.
- 3.2 The licensable hours and activity requested by the applicant are shown in the table below:

	Opening Hours	Late Night Refreshment (Indoors and outdoors)
Monday to Thursday	17.00 to 02:00	23:00 to 02:00
Friday to Sunday	13:00 to 03:00	23:00 to 03:00

The proposed operating schedule is attached as appendix 1.

3.3 The Licensing Department have received a representation from Warwick District Council Environmental Health which is attached as appendix 2.

3.4 Representations have also been received from local residents.

The representation attached as appendix 3, is a group representation, 13 names have been redacted from the representation in line with our duties under GDPR because the licensing team did not receive direct instruction from them that their details could be made public. However, a full version of this representation will be available at the licensing panel.

Another representation has been received from a local resident which is attached as appendix 4.

3.5 No representations have been received from:

- Warwickshire Police
- Trading Standards
- Fire Authority
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

3.6 A plan of the premises submitted by the applicant is attached as appendix 5. A map and photograph of the area are attached as appendices 6 and 7.

#### 4. **Policy Framework**

##### 4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
<b>Impacts of Proposal</b>		
The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.	None	The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.
<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
None	None	None

## 4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

## 5. **Budgetary Framework**

5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

## 6. **Risks**

6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 21 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.

## **Proposed operating schedule**

### **General:**

Attention to:

Vigilance in preventing the use and/or sale of illegal drugs or activity in premises.

No violent and anti-social behaviour. If any children in shop to be vigilant to any harm to children.

### **The Prevention of Crime and Disorder**

Most of the sales will be through deliveries to the customers.

Staff will be vigilant in asking customers to use premises and outside in orderly and respectful manner.

Vigilance in prevention of any illegal activity.

### **Public Safety**

Well lit shop inside and outside.

There is already a Police camera next to the shop on Brunswick Street.

Well trained staff adherence to Environmental Health requirement.

### **The Prevention of Public Nuisance**

Deliveries of goods to the premises will done in the daytime.

Vigilance and give notice to any customers who are noisy to respect the neighbourhood.

### **The Protection of Children from Harm**

Normally children will be served first and served with care so that they can be back as soon as possible and prevent and be vigilant regarding their safety.



**Tayyibah Daud**

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**From:** Peter Lawson  
**Sent:** 20 August 2019 15:14  
**To:** Licensing  
**Cc:** Redacted Info@yahoo.co.uk'; Planning Enforcement  
**Subject:** Casa Rica , Brunswick Street Leamington- Application for Late Night Refreshment

Dear Licensing,

**Casa Rica , Brunswick Street Leamington- Application for Late Night Refreshment Licence**

I write in response to your recent consultation

Environmental Health object to the hours applied for as this is likely to give rise to nuisance from noise in the early hours of the morning.

Residents close by are likely to be disturbed by operation of the kitchen ,cooking and ventilation equipment at times when the area would otherwise be quiet. Take- away sales are likely to cause people to loiter around the premises who would otherwise pass by ,with noise of conversation and raised voices of customers going in and out during the small hours the street would otherwise be quiet.


For Information there is a condition attached to the Planning Consent W901381 for the hot food takeaway which prohibits opening to the public after 11.30pm and prohibits opening on Sunday to protect the amenity of surrounding properties. Were Mr Bijannejad to apply for relaxation of the Planning condition, Environmental Health would oppose such application for the reasons set out above.

Kind Regards

**Peter Lawson** Bsc(Hons) MSc CMCIEH  
Chartered Environmental Health Practitioner  
Senior Environmental Health Officer

Warwick District Council  
Tel: 01926 456715  
Email: peter.lawson@warwickdc.gov.uk

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<b>Licensing Act 2003 Representation Form</b>			
<b>Section 1 - Application Details</b>			
<b>I object to the following Application:</b>			
Applicant's name (if known): Mehdi Bijannejad			
Premises name and address: Casa Rica, 1 Brunswick Street, Leamington Spa, Warwickshire, CV31 2DS			
Application for a	Premises Licence..... <b>X</b>		
	Club Premises Certificate..... <input type="checkbox"/>		
Application to vary an existing	Premises Licence..... <input type="checkbox"/>		
	Club Premises Certificate..... <input type="checkbox"/>		
Application Number	<a href="#">WDCPREM00938</a>		

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b>	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	Mackin
First name(s)	Len
Address (incl postcode):	
32 Charlotte Street, Leamington Spa, CV31 3EB	


**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	n/a
Please state nature of representation:	
I am writing to represent a group of residents who, like me, are horrified by this proposal. The residents are happy to give their names and all live in south Leamington;	
	

Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><b><i>You can tick more than one box</i></b></p>	<p><input checked="" type="checkbox"/> Prevention of crime and disorder.</p> <p><input checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input checked="" type="checkbox"/> Public safety</p>

<b>X</b>	I object to the application being granted at all
	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

I am objecting to the application because of the impact that it is likely to have on residents in the immediate area. Specifically, noise and anti-social behaviour late at night and the early hours of the morning.

Every year local residents are subjected to a great deal of noise along Clements street, Brunswick street and Tatchbrook road. All neighbouring roads are also affected by late night noise. This noise is caused in the main by many young people heading home from late clubs and bars, they are often drunk and rowdy and very likely to stop at Casa Rica for refreshments and general congregation. As an example of the problem in the autumn term of 2018 I counted 100 young people moving along Charlotte street in both large and small groups in the period 12am – 1pm. In every case they were chattering, shouting and screaming as if it were Saturday lunchtime. This is very disruptive and is not an unusual occurrence south of the river. Unfortunately it is very clear that the rise in student numbers exacerbates the problem. Each September we see the population of Leamington rise considerably with the arrival of so many young people who frankly, are here to party at the expense of the settled community.

Actual and projected figures for student numbers are;

2018/19 – **6004**

2019/20 – **6314**

2020/21 – **6501**

2021/22 – **6607**

Police reports for our area state that in the period August 2018 to July 2019 Leamington South experience **785** incidents of ASB, **135** Public Order offences, **693** Violence and sexual offences.

We (see residents who are supporting this application below) believe that if CASA RICA is allowed a late night license so that they can serve on premises and apparently Monday through Thursday 11pm – 2am and Friday through Sunday 11pm to 3am. It can only be said that this is a cynical attempt to create money out of students at the expense of residents.

The applicant has provided no statement on how prevention of crime, disorder and public safety and the prevention of noise nuisance will be addressed and frankly does not address the questions raised at all indeed on the comment regarding

The applicant has provided no statement on how prevention of crime, disorder and public safety and the prevention of noise nuisance will be addressed and frankly does not address the questions raised at all indeed, on the comment regarding protection of children, the response is "children will be served first and served with care"? Is this at 3am in the morning? What do they mean "served first and with care"?

Myself and other residents are also concerned that even more rubbish will be generated if this application goes ahead and this will be strewn about the area.

Please, this is a residential area and not the town centre. Please refuse this application.

I am away on holiday until 25<sup>th</sup> September and therefore unable to attend a hearing before this date.

Signed..........

Date.....5th September 2019.....

<b>Licensing Act 2003 Representation Form</b>		
<b>Section 1 - Application Details</b>		
<b>I object to the following Application:</b>		
Applicant's name (if known):  Mahdi Bijannejad Premises name and address: Casa Rica, 1 Brunswick Street, Leamington Spa, CV312DS		
Application for a	Premises Licence..... <input checked="" type="checkbox"/> x  Club Premises Certificate..... <input type="checkbox"/>	
Application to vary an existing	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>	
Application Number	WDCPREM00938	

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b> <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	Barker
First name(s)	Andrew and Jill
Address (incl postcode): <b>4 Eagle Street, Leamington Spa, CV31 2AG</b>	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because
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If you represent residents or businesses please complete the boxes below

Organisation name if applicable	Ourselves as individuals, and Solar (South Leamington residents)
Please state nature of representation: Members of group. Willing to put forward their objection with ours	



Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><i>You can tick more than one box</i></p>	<p><input checked="" type="checkbox"/> Prevention of crime and disorder.</p> <p><input type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input checked="" type="checkbox"/> Public safety</p>

<input type="checkbox"/>	I object to the application being granted at all
<input checked="" type="checkbox"/>	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
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1. We fully support the existing objection by Len Mackin on behalf of Solar, and Solar has agreed that we may speak on their behalf. (Email chain exists)
2. Additionally, we wish to make the point that Leamington south of the canal bridge is very largely residential. The few business premises that exist maintain normal shop closing hours. (Brunswick stores: 10pm; dry cleaners and funeral directors etc: 5-5.30). Casa Rica itself abuts directly onto thirteen residential flats, with addresses on Ranelagh Street. It is directly on the walking route into south Leamington from the pubs and clubs uptown.
3. Noise and litter nuisance is well documented in this area of Brunswick, Charlotte Street, Ranelagh Street, Clarence Street, and (crucially) the public footpath that runs from Brunswick street down to the Eagle Rec. Much of the litter already involves fast food boxes and wrappings. Noise nuisance is not confined to university terms, though it is most extreme and persistent then. It is difficult to report, as neither WDC nor the police have useful channels for reportage. I personally am frequently woken by persistent noise from passers by between midnight and two am. Len Mackin has kept a log of noise nuisance on charlotte street, and I am preparing one in relation to eagle street. I have recorded late night voice noise after midnight on specific dates in May and June.
4. Jill Barker has repeatedly reported revolting piles of litter on Ranelagh Terrace during her term as town Councillor for Brunswick, and afterwards. WDC Have been cooperative in clearing them up, but it is a persistent problem.
5. Prevention of public nuisance. Late night roistering, and often fighting and bad language is a public nuisance. The late hours suggested will only make an existing problem worse by encouraging people to linger on their way home.
6. Public safety is not enhanced, rather it is endangered by encouraging party goers to linger on the streets.
7. This encourages crime, both in terms of fights and assaults, but also in terms of individuals who readily become victims of thefts when they are not in full control of themselves late at night.

8. Litter is a public nuisance. It is already a problem, and will only get worse with longer hours. Food litter encourages rats and other vermin.
9. Lastly, we wish to suggest that Casa Rica be instructed to provide litter bins. We also wish to suggest that they post prominent notices explaining that customers should leave quietly, and not litter, because they are in a residential area.

Signed  .....

Date: 6<sup>th</sup> September 2019

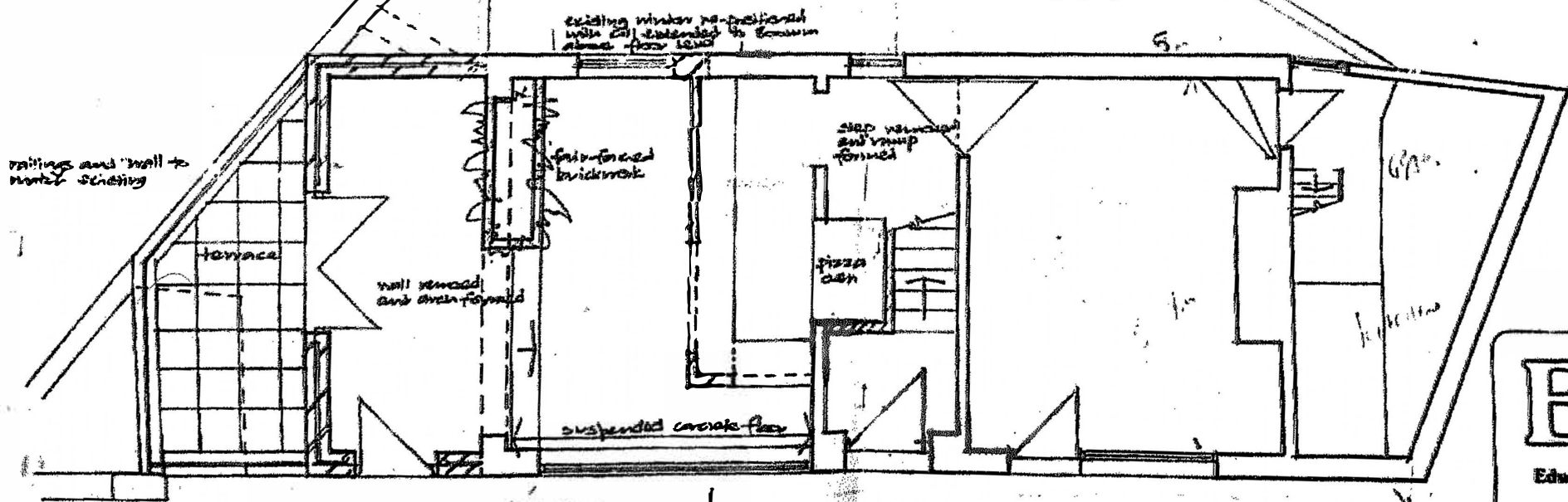


SIDE ELEVATION A

FRONT ELEVATION A

FRONT ELEVATION B

SIDE ELEVATION B



GROUND FLOOR PLAN

SKETCH SCHEME

PROPOSED ALTERATIONS TO NOS 1-3,  
 BRUNSWICK STREET, LEAMINGTON SPA.  
 June 1951

Item

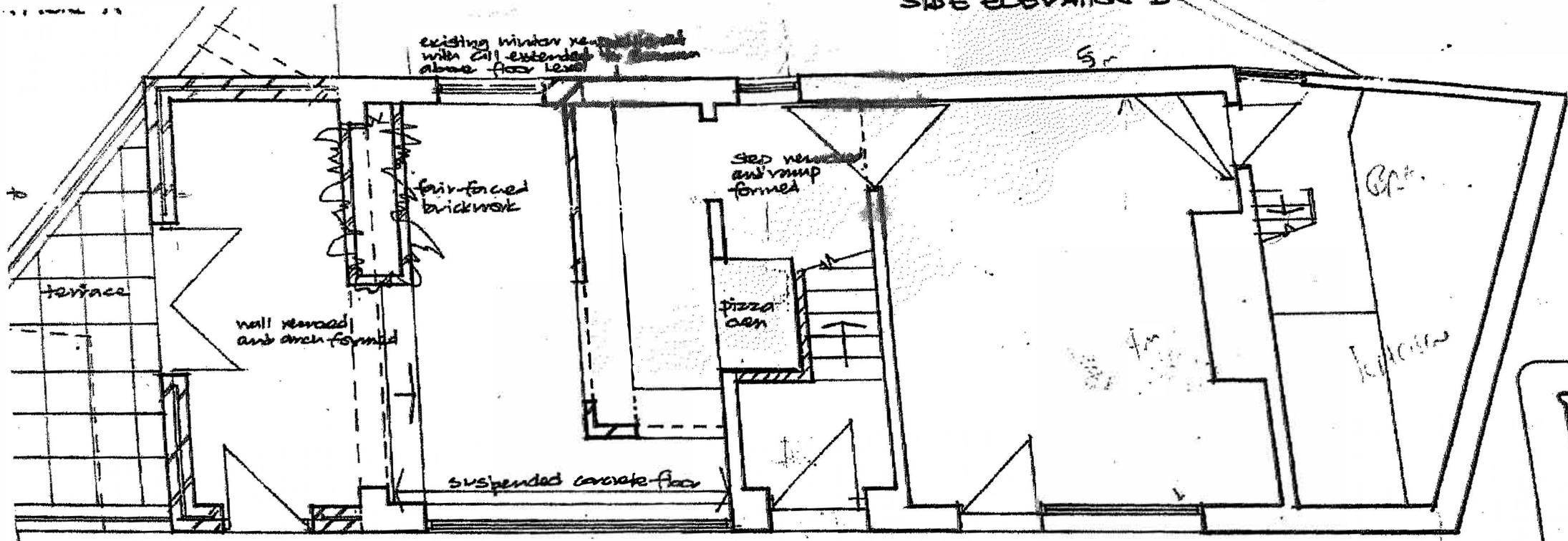
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**ERB**  
 Edward Reynolds Byron  
 chartered architect  
 Former House,  
 11, Domes Place,  
 Leamington Spa, Warwickshire CV32 5AA  
 Telephone 1993303423/9

SIDE ELEVATION B



SKETCH SCHEME





