

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Thursday 27 November 2014, at the Town Hall, Royal Leamington Spa at 10.00 am.

Present: Councillors Gill, Mrs Grainger and Guest

Also Present: Max Howarth (Council's Solicitor), Amy Carnall (Committee Services Officer) and Emma Dudgeon (Licensing Officer).

1. **Substitutes**

Councillor Guest substituted for Councillor Mrs Knight.

2. **Appointment of Chairman**

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

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a premises licence under the Licensing Act 2003 for Bellagio Italian Restaurant, 33-39 Regent Grove, Lantern Corner, Royal Leamington Spa**

The Panel considered a report from Community Protection which sought a decision on an application from Bellagio (Leamington) Ltd for a premises licence.

The Chair, members of the Panel and officers introduced themselves. The other parties then introduced themselves as Mr Shirley, Council's Environmental Health Officer, Councillor Weber, interested party, Mr Potts, solicitor for the applicant, and Ms Hayden and Mr Hodson representing Bellagio (Leamington) Ltd.

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:

	Supply of alcohol for consumption on and off the premises	Late Night Refreshment	Opening Hours
Sunday to Thursday	10.00 to 00.30	23.00 to 00.30	10.00 to 01.00
Friday and Saturday	10.00 to 01.00	23.00 to 01.00	10.00 to 01.30

An operating schedule was submitted by the applicant and would form part of any licence issued. The full operating schedule was detailed at section 3.2 of the report

The Licensing Officer advised that representations had been received from Environmental Health, a Ward Councillor and a local resident. Copies of these representations were attached as appendices to the report. In addition, the Panel were advised that the Police had withdrawn their representation following agreement with the applicant to accept their proposed reduced hours, effectively reducing the end time of all licensable activities by a further 30 minutes. The Police had also proposed five conditions which had been accepted in full by the applicant.

At this point, the applicant's representative, Mr Potts, addressed the Panel and explained that the applicant was content to amend the hours further, as follows:

	Supply of alcohol for consumption on and off the premises	Late Night Refreshment	Opening Hours
Monday to Sunday	10.00 to 00.00	23.00 to 00.00	10.00 to 12.30

Mr Potts explained that the applicant was also happy to accept the first four conditions proposed by the Environmental Health officer but felt unable to accept the restriction in hours.

Mr Potts outlined the application and explained that the applicant had two other premises located in West Bromwich and Dudley. The original plan had been to open the new premises in time for Christmas 2014 but a more realistic timescale had been proposed of February 2015. Mr Potts referred to various other eating and drinking establishments located in the vicinity of Bellagio and outlined the opening hours of these premises, some of which were much later than the applicant was requesting.

He also drew Members' attention to the market that the new restaurant would be aimed at and the photographs of the existing restaurants which the Leamington premise would have a similar style and feel to. Mr Potts also highlighted the changes to the internal layout and explained that the seating area between the bar servery and the balustrade had been removed.

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

- the restaurant would have approximately 80 covers; and
- the applicant would be happy to display notices in a prominent position, requesting that customers leave the premises quietly and the staff would be happy to draw attention to these.

In response to questions from the Environmental Health officer, it was explained that:

- the last orders accepted in the kitchen would be 2200 hours, with a view to the kitchen closing at 2300 hours; and
- the applicant had not undertaken any market research to evidence that the hours being applied for, were needed.

Councillor Weber enquired why the applicant needed an additional hour if all food orders were due to be completed by 2330. Mr Potts explained that customers liked to enjoy coffee, desserts or drinks after their meal and the additional hour would allow the restaurant more flexibility.

Mr Shirley, the Council's Environmental Health officer, outlined his objection to the application, on the grounds of Public Nuisance. He advised that the premise was located in a quiet area where background noise levels were low and there was minimal night time business taking place. He made reference to the map that had been circulated, showing the proximity of the residential dwellings to the premise. Mr Shirley explained that these objections had not been raised when planning permission had been applied for because it had not been envisaged that a restaurant would request such late operating hours.

Councillor Weber addressed the Panel and read out a statement from Dr Cave who was unable to attend the hearing because he was out of the country. Dr Cave objected to the potential for vertical drinking and requested that the sale of alcohol be to table only.

Councillor Weber then outlined his objection and explained that his main concern was that the licence was granted to the building and not the business. The town had recently experienced businesses taking over a premise and exploiting the generous licence afforded to them. He did feel that this was a good quality restaurant and he was in favour of encouraging businesses to the town.

Members discussed the request for SIA registered door staff and were advised that this was properly clarified in the operating schedule. The suggestion of a condition stopping customers from smoking outside the restaurant was also discussed. Members were advised that this would not be enforceable, however, a condition restricting re-entry to the premise could be included.

Mr Potts summed up the application by describing the location of the premises and the area it sat in. The applicant was happy to agree to the additional conditions of signage and no re-entry. He assured Members that this would be a well run restaurant, supported by the success of the other existing restaurants and hoped Members would grant the licence for the reduced hours.

At 11.35am the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

At 11.50am all parties were invited back into the room, at which time the Council's solicitor read out the Panel's decision as follows:

The Panel would like to thank the parties for attending this morning to make their representations. The Panel carefully considered the representations made by the applicant, Environmental Health and Councillor Weber. The Councillors note that the Police have withdrawn their objection on the basis that the hours have been reduced and a number of conditions have been agreed with the applicant. Having listened to the representations made by the parties, and having considered the style and individual characteristics of the premises, it is the Panel's view that the applicant has demonstrated that the licence, if granted, would not impact upon the licensing objectives. The Panel therefore

Resolved to grant the licence for the reduced hours of

	Supply of alcohol for consumption on and off the premises	Late Night Refreshment	Opening Hours
Monday to Sunday	10.00 to 00.00	23.00 to 00.00	10.00 to 12.30

subject to the operating schedule, the conditions agreed with the Police and the conditions requested by Environmental Health with the exception of the condition in relation to the hours and additional conditions that customers shall not enter or re-enter the premises after 2300 hours and that signage requesting that customers and staff leave quietly, be displayed in a prominent position at the customer and staff exits.

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 11:55 pm)