

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	Catrin Starkey
Job Title	Community Harm and Licensing Officer
Postal and email address	Police Station, Warwickshire Justice Centre Catrin.Starkey@warwickshire.pnn.police.uk
Contact telephone number	01926 684226

Name of the premises you are making a representation about	Maralani Pizza
Address of the premises you are making a representation about	12A Clarendon Avenue. CV32 5PZ

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	The premises are within the current Cumulative Impact Zone of Leamington Town Centre therefore Warwickshire Police ask Warwick District Council to refuse this application. Further evidence will be submitted in advance of any hearing.
Public safety	Yes	
To prevent public nuisance	Yes	
To protect children from harm	No	
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.		Warwickshire Police are lodging a full objection to this application.

Signed: Catrin Starkey
Licensing Officer
Warwickshire Police

Date: 05/11/2013

Police Representation Evidence
Hearing :- Maralani Pizza,
12A Clarendon Avenue Leamington Spa

Introduction

Warwickshire police would object to the issues of this license as a whole due to the evidence contained in this report. This is the second application from the premises to extend its hours, after the initial one was refused by the licensing panel on 19th August 2013. Although there are certain measures the premise may suggest, or the panel may consider as conditions, (ie CCTV, Door supervisors etc) Warwickshire police would still object to the license in its entirety. Policing of the night time economy will always pull police away from residential areas, but an increase in hours, or introduction of new premise will add to that demand, and will also increase risks of disorder and ASB in the locality. This application is also within the Special Policy area of the Cumulative Impact Zone of Leamington Spa

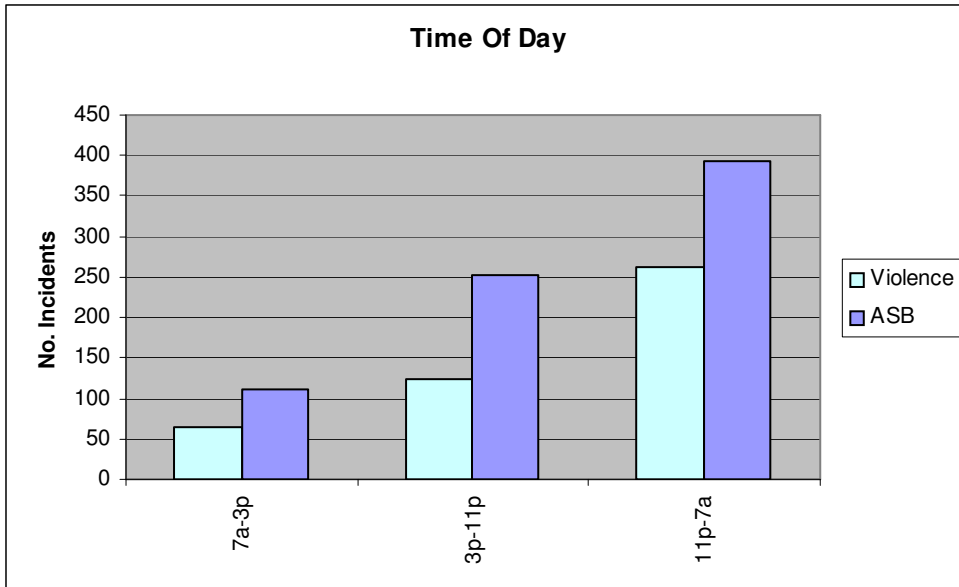
Late Night Refreshment & Take Away's

The number of late night refreshment in Leamington Spa are at saturation point and are very much in the hotspot locations for ASB, Violence and disorder. They may not be the sole cause for incidents that are reported to police, as they on the whole do not sell alcohol, but a large proportion are open after the pubs and clubs in the town centre close. They also attract their core business at the early hours of the morning when people leave the town centres after consuming a large quantity of alcohol. These premises then by their pure business target group retain large numbers in the town centre and residential areas whilst they purchase and consume their food, predominantly in the street. This then causes increase in noise and ASB, but are also potential flash points for disorder and violence.

Police Incident Data

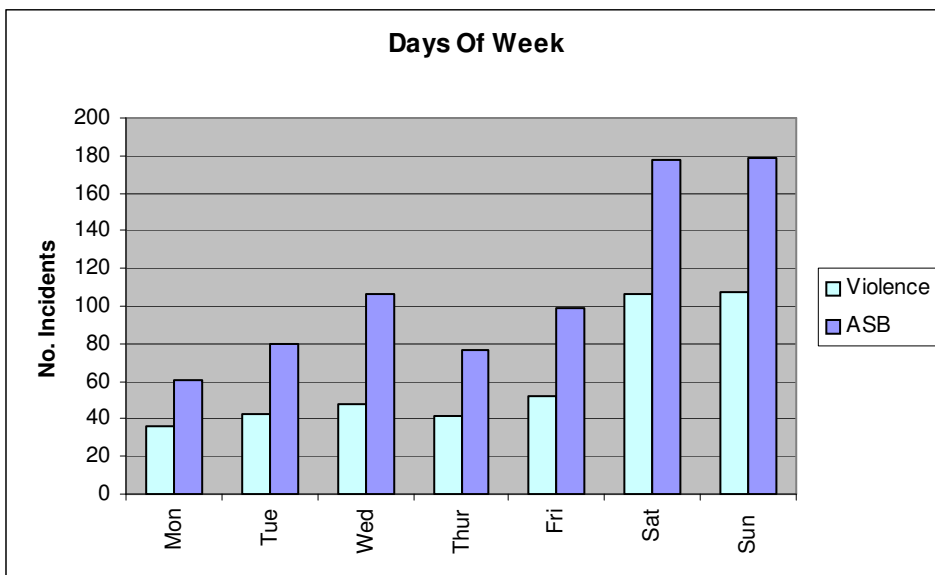
From conducting a basic research of STORM incidents from 1st Mar 2012 to 31st March 2013, approximately 1300 incidents have been found. This search has been conducted under the initial call types of Violence, disorder, Rowdy, and drunks. The areas searched covered the Town Centre and Old Town, including areas of Spencer St, High St, and Clemens St.

The following graphs represent statistical analysis of the previously mentioned incidents.



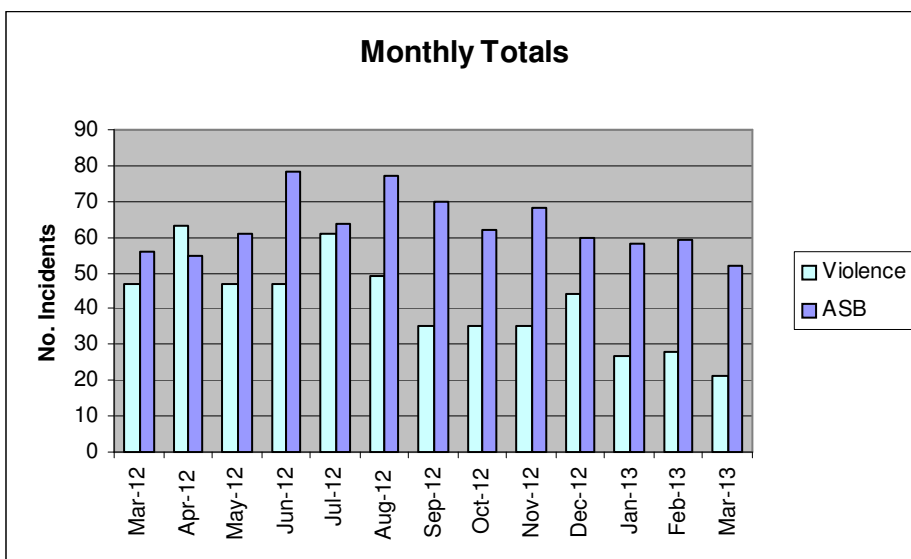
This graph represents the time of day for the researched incidents.

As can be seen the vast amount of ASB & violence incidents occur between 23:00 – 07:00hrs.



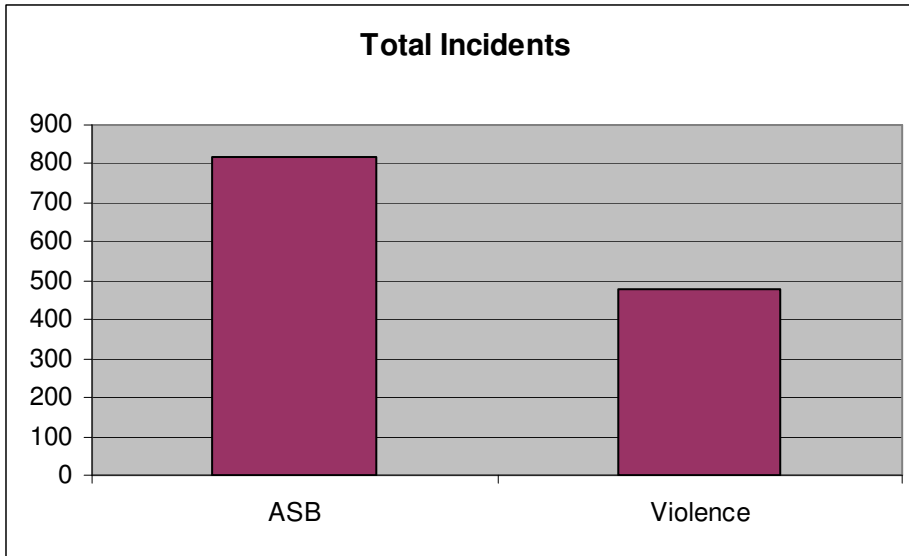
This graph represents how the calls to police are spread out over a week.

As can be seen there is a definite peak to calls over the weekend, but this is slightly misleading as many calls are in early hours, there Friday is under represented and Sunday over represented



This graph represents the month of the year when the two types of incidents occur. (ASB only for rowdy nuisance tag)

As can be seen there are peaks and troughs to incidents when taken as type of incident,



This graph represents the total amount of incidents overall for the two areas.

As can be seen the highest amount of incidents are for ASB.

Hotspot Location

The following two maps, look at specific hotspot locations for ASB incidents. They are specifically recorded between the hours of 11am – 4am.

The two maps are separated for incidents between Sun – Thurs, and those on Sat & Sunday.

It can be seen from the maps that there are two specific hotspot locations at the times stated. That being Warwick St area of the Town Centre and the second being the area of Spencer St, Bath St, High St and Clemens St.

This premise application is within that hotspot location displayed

Licensed Premises

The third map displays the concentration of license premise within the town centre and old town of Leamington, showing the saturation in both areas beyond 2am, also the area of the CIZ as per Warwick District Council Policy. There are currently numerous other late night refreshment venues on Tavistock St, Warwick St, Regent St etc.

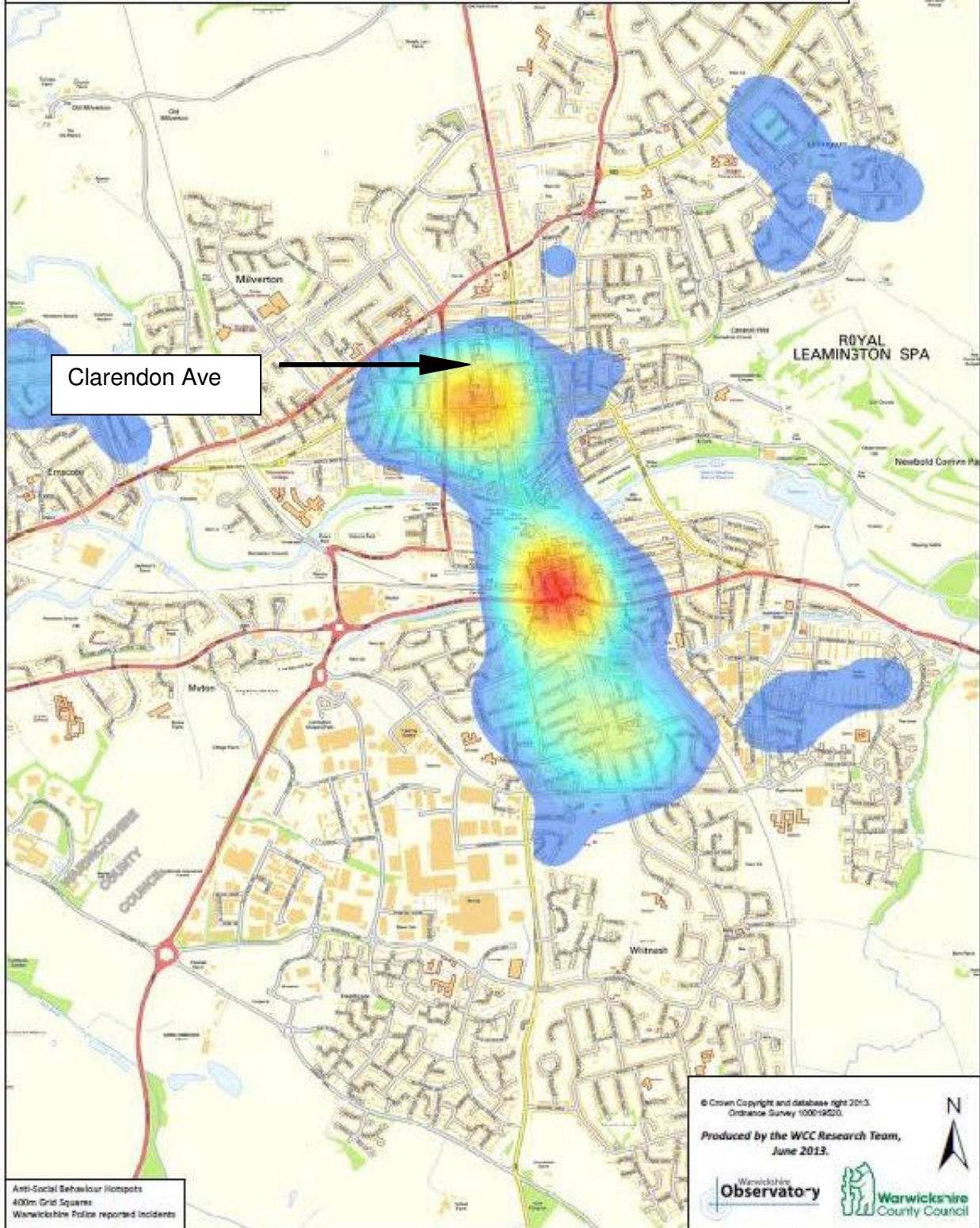
Summary

In summary, Warwickshire Polices vision and aims are to protect people from harm, therefore we recommend to the panel a full objection to the issue of this license, to prevent the increase of crime, disorder and ASB in this locality under the licensing objectives.

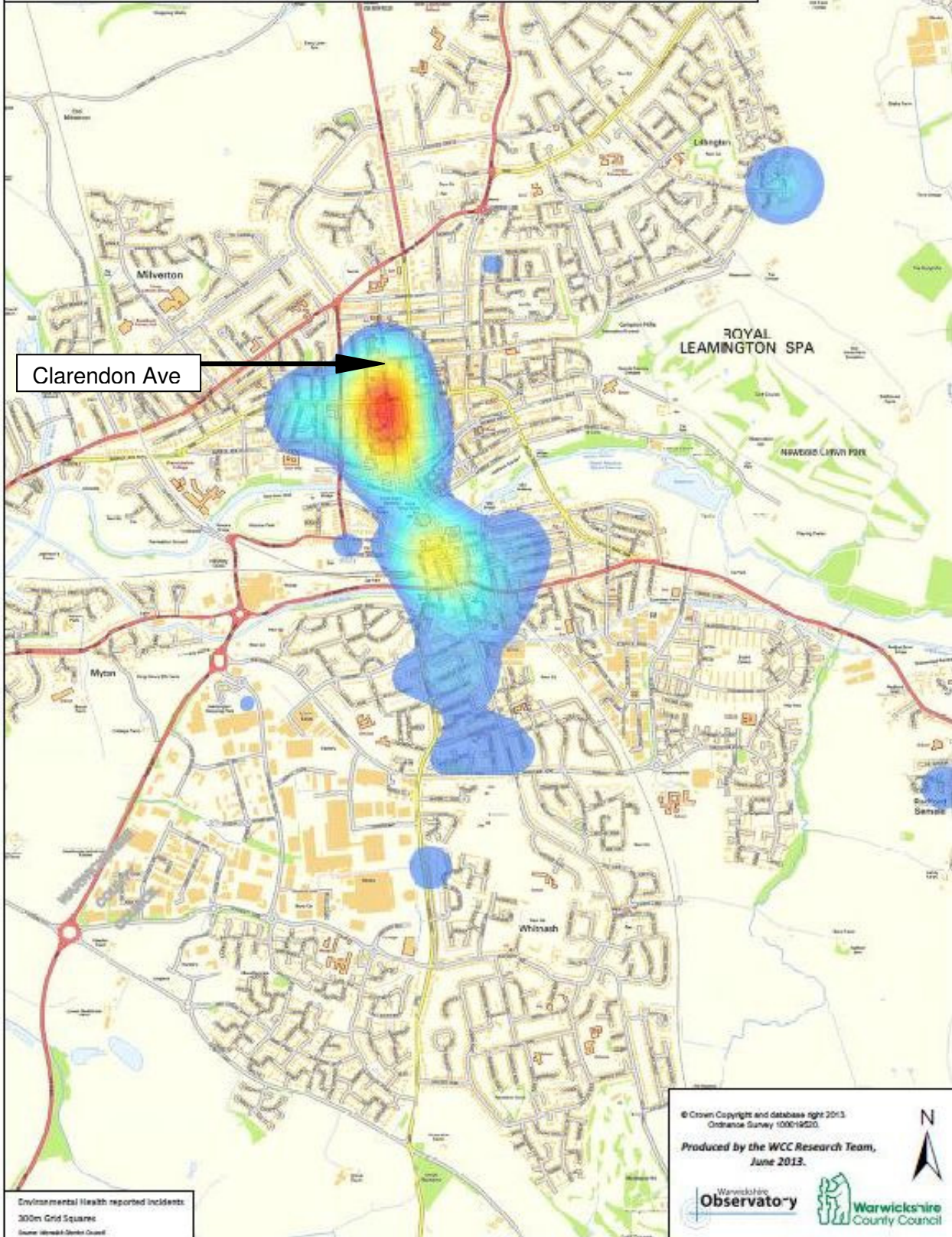
Leamington - Anti-Social Behaviour Incident Hotspots

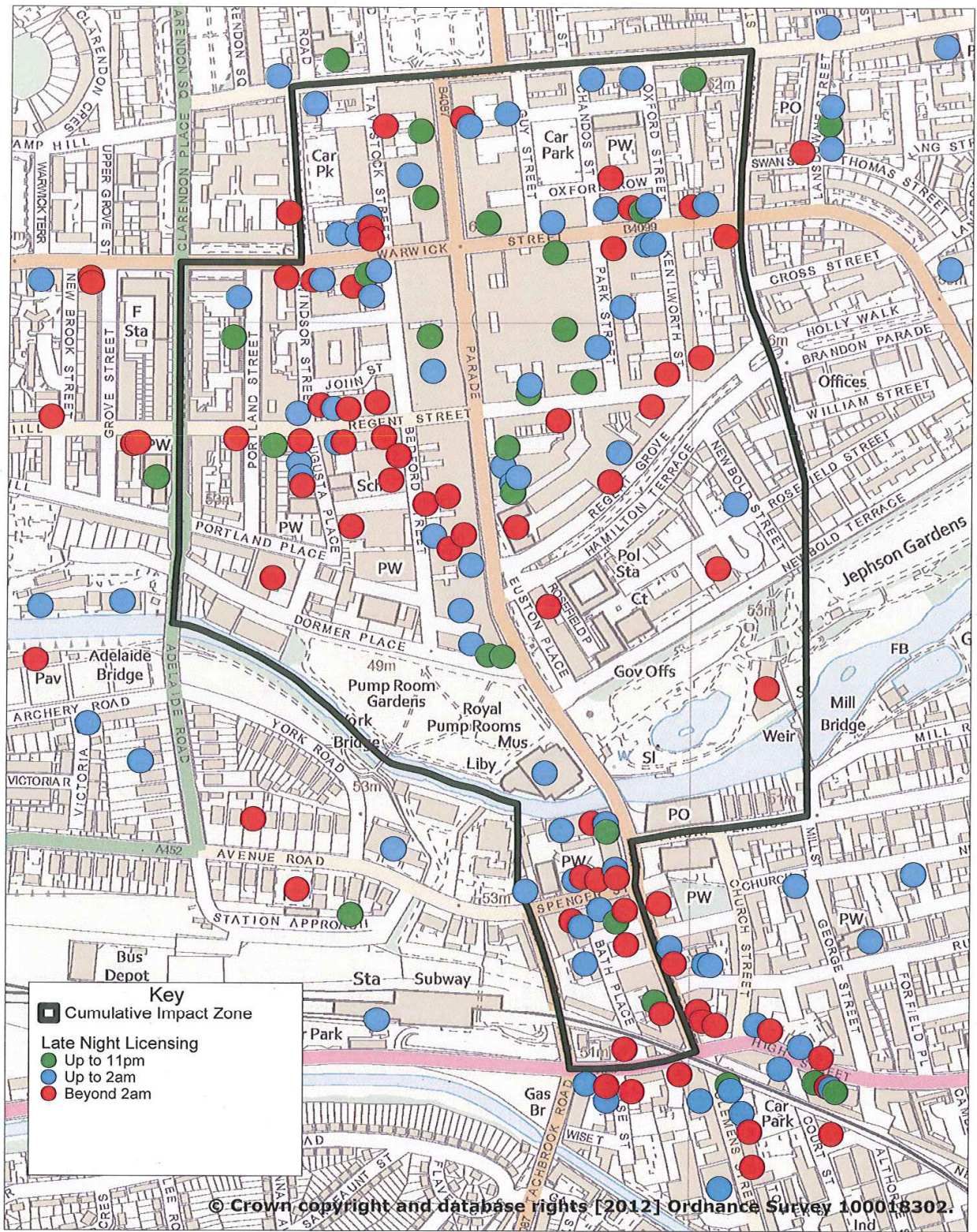
Year 3 - 2012 (30th September to 9th December)

Between 11pm and 4am - Excluding Fridays and Saturdays



**Leamington - Anti-Social Behaviour Hotspot
Year3 - 2012 (30th September to 9th December)
Fridays and Saturdays Only Between 11pm and 4am**





Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410





WARWICK DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM
RESPONSIBLE AUTHORITIES

Responsible Authority – Environmental Services, Riverside House, Milverton Hill, L/Spa, CV32 5HZ.

Your Name	Michael Jenkins
Job Title	Environmental Health Officer (Career Grade)
Postal and email address	Warwick District Council, Milverton Hill, Leamington Spa, CV32 5HZ.
Contact telephone number	(01926) 456724

Name of the premises you are making a representation about	Maralani Pizza
Address of the premises you are making a representation about	12a Clarendon Avenue, Leamington Spa, CV32 5PZ

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		
To prevent public nuisance	Yes	The premises is within the Cumulative Impact Zone and in close proximity to residential premises. The area is already at saturation point for licensed premises and the proposed extension of hours is likely to give rise to an incremental increase in noise on the street from patrons visiting the application premises.
To protect children from harm		

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	No recommended condition
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Comments / Objections / Observations	Environmental Health object to this application
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Signed:

Date: Monday 11th November 2013



Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

Mr Maralani

Premises name and address:

Maralani Pizza, 12a Clarendon Avenue, Leamington Spa CV32 5PZ

Application for a	Premises Licence..... 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	WDCPREM00780

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title Mr Mrs Miss Other _____

Surname _____

First name(s) _____

Address (incl postcode):

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	District Councillor, representing Clarendon ward
Please state nature of representation: I represent local residents, some of whom have informed me they are very concerned about the likely impact of premises open in to early hours of the morning, encouraging people already very intoxicated from visiting bars and clubs to stay in this area rather than promptly going home. Please see details below.	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

Prevention of crime and disorder.

Prevention of public nuisance.

Protection of children from harm.

Public safety

I object to the application being granted at all

I object to the application being granted in its 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:

Local residents, particularly in Clarendon Avenue itself and Hall Road and also further out of the town centre, already suffer significantly from noise and disturbance, litter and soiling, from very intoxicated people leaving bars and particularly nightclubs nearby. This area is a 'hotspot' for antisocial behaviour and also violent incidents. Warwickshire Police, who are trying to deal with this with diminishing resources working with partners including WDC, are clear that they wish to manage people leaving the town centre safely once they leave clubs which have late licences. To add another place open in to the early morning encouraging people to stay around would be completely contrary to this policy. The nature of the premises' business means that it would generate litter from packaging, which many customers after 11pm are likely not to be in a fit condition to manage responsibly. Particularly if they have come out of clubs with high sound volumes, they are likely to be noisy and queues may be difficult to manage safely (indeed it is foreseeable that at peak times after club closure, attempting as suggested to keep the premises' doors closed with only manageable numbers inside the premises at any one time may lead to noise and disturbance outside.)

The premises are within a Cumulative Impact Zone and the applicants have not demonstrated as required that they would not make the problems worse, for nearby residents and for Police and others trying to manage matters. As described above the opposite is likely to be the case if the premises are allowed to provide a gathering point for people leaving nightclubs. CCTV is mentioned but this merely records incidents (and examination for use as evidence is time-consuming), it does not itself prevent them. Contacting the Police is mentioned e.g. in connection with any suspicious activity concerning illegal drugs and with sharing information; presumably if anyone drunk and disorderly objected to being excluded, premises staff might also call Police. All of this would simply add to Warwickshire Police and partners' workload in managing the CIZ. Staff training is also mentioned by the applicant. Premises staff nevertheless cannot monitor, let alone control, how all customers behave once away from the immediate vicinity (e.g. their noise levels, disposal of rubbish), which would have an impact on residents and the area. In summary, there is no justification for allowing these premises within the Cumulative Impact Zone to remain open past 11pm.

Signed.....Cllr Janice L. Dean
Date.....25th November 2013

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
- This form must be returned within 28 days from the day after the application was made. The exact date may be found on the council's website.
- The objection may only relate to one or more of the four licensing objectives.

Please return this form when completed to:

Warwick District Council
Licensing Team,
Community Protection,
Riverside House,
Milverton Hill,
Royal Leamington Spa.
CV32 5HZ

licensing@warwickdc.gov.uk

Tel: 01926 456107
Fax: 01926 456121

This may form be posted or emailed to the Local Authority

Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known): Maralani Pizza

Premises name and address: 12a Clarendon Avenue, Royal Leamington Spa CV32 5PZ

Application for a	Premises Licence..... <input checked="" type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application Number	

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title Mr Mrs Miss Other _____

Surname _____

First name(s) _____

Address (incl postcode):

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

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	Royal Leamington Spa Town Council
<p>Please state nature of representation:</p> <p>The Town Council raises an objection for the following reason:</p> <p style="padding-left: 40px;">The Council considers that the granting of a license will cause unacceptable disruption and noise in a predominantly residential area.</p>	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

- Prevention of crime and disorder.
- Prevention of public nuisance.
- Protection of children from harm.
- Public safety

- | | |
|---|---|
| x | 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:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

These premises are situated in a predominantly residential area. The establishment of a fast food outlet here is considered incompatible with the residential nature of the area.



Signed

Date 14 November 2013

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street

Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

Maralani Pizza

Premises name and address: 12A, Clarendon Avenue, Leamington Spa
CV32 5PZ

Application for a	Premises Licence..... 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	WDCPREM00780

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	Saltaire
First name(s)	Stephen
Address (incl postcode):	
Cobblestones Hall Road LEAMINGTON SPA CV32 5RA	

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	
Please state nature of representation:	

Section - Objection Details

<p>My objection is relevant to the following licensing objective:</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 checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>
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<input checked="" type="checkbox"/>	I object to the application being granted at all
<input 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:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

These premises were the subject of previous application earlier this year which I also opposed and which was rejected. Although the proposed hours have been reduced to some extent, my objections remain essentially the same.

Clarendon Avenue is, in effect, the boundary between the town centre and the residential area to the north of the town. Hall Road, which is directly off Clarendon Avenue and within 100 yards of the premises already suffers regularly from litter and anti-social behaviour late at night arising from people leaving the pubs and clubs in the town centre. The principal problems are noise, litter and people urinating in the street, but there have also been instances of vandalism to property and to parked cars.

If the premises remain open late, as proposed, they will encourage people to collect in the area late at night and the nuisances referred to above can be expected to increase. I note that there are no litter bins (either provided by the applicant or the local authority) in the immediate vicinity of the property and litter is likely to increase significantly.

In addition, I note that there have been instances of violence at similar premises in the town which are open in the middle of the night. This is because the customers are principally people leaving pubs and nightclubs in an inebriated state. I see no reason why similar incidents will be less likely to occur at the premises which are the subject of this application.

My understanding is that the premises are within the Cumulative Impact Zone and, in my opinion, the area is already at saturation point for licensed premises.

In summary, whilst not objecting to the use of these premises as a takeaway outlet, I do oppose a late licence.

Signed.....Stephen Saltaire (submitted by e-mail)
Date.....25th November 2013

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street.
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
- This form must be returned within 28 days from the day after the application was made. The exact date may be found on the council's website.
- The objection may only relate to one or more of the four licensing objectives.

Please return this form when completed to:

Warwick District Council
Licensing Team,
Community Protection,
Riverside House,
Milverton Hill,
Royal Leamington Spa.
CV32 5HZ

licensing@warwickdc.gov.uk

Tel: 01926 456107
Fax: 01926 456121

This may form be posted or emailed to the Local Authority

Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

Mr Saied Maralani t/a Maralani Pizza

Premises name and address:

12a Clarendon Avenue, Leamington Spa CV32 5PZ

Application for a Late night refreshment licence	Premises Licence..... 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	WDCPREM00780

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title Mr x Mrs Miss Other _____

Surname Haycock

First name(s) Neil

Address (incl postcode):

Hallmark Mews
Hall Road
Leamington Spa
CV32 5RA

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	
Please state nature of representation:	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

Prevention of crime and disorder.

Prevention of public nuisance.

Protection of children from harm.

Public safety

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:

The basis of this objection is no different to my objection to the previous similar application in respect of these premises. I object totally to these premises being licensed for the sale of late night take-away food after 11PM on any night of the year.

As has been identified previously the premises are situated at the edge of what is known as the cumulative impact zone; an area saturated with premises providing late night entertainment, alcohol and take-away food. Granting a licence to these particular premises would effectively expand the boundary of the cumulative impact zone and therefore expand the area that limited police resources have to cover.

As residents living close to the cumulative impact zone we are regularly exposed to noise, disturbance and anti-social behaviour during the night coming from people leaving nightclubs and bars in an inebriated state in the early hours of the morning. I therefore am fully in support of the police's objective to encourage people to leave the zone and go home quickly after leaving such premises. The proposal detailed in this application is totally contrary to that objective.

Clearly the objective of the applicant is to attract people leaving nightclubs and bars and therefore by default encourage them to remain in the area rather than go straight home. The sale of take-away food results in people congregating both outside the source premises and in the surrounding area to consume the food.

I have considered the content of the application in relation to the applicants stated intention to install CCTV monitoring equipment at the premises; whilst this may potentially provide some value in relation to the protection of the premises and of patrons inside or immediately outside it would be of no value whatsoever in protecting properties in nearby streets e.g. Hall Road, nor can I see how it could have any effect on the noise and disturbance that results from groups inebriated people loitering around either the immediate area or nearby streets.

My neighbours and I regularly suffer disturbance during the night from shouting, arguing, fighting; there are also the issues of urinating in the streets and around our properties and leaving discarded food and containers both in the street and in and around our properties creating both a litter problem and potentially attracting vermin. There have also been instances of vandalism to both properties and parked cars.

I cannot think of any suggestions as to how the applicant could mitigate these problems, as they are quite simply the result of inebriated people hanging around the streets in the night rather than going straight home. In consequence any additional facility or 'attraction' that diverts people from going straight home after leaving the clubs and bars can only serve to exacerbate what is already a considerable problem.

Signed.....*Neil Haycock*...

Date...24 November 2013

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
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Warwick District Council
Licensing Team,
Community Protection,
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Milverton Hill,
Royal Leamington Spa.
CV32 5HZ

licensing@warwickdc.gov.uk

Tel: 01926 456107

Fax: 01926 456121

This may form be posted or emailed to the Local Authority

Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):
Mr Saled Z Maralani

Premises name and address:
Maralani Pizza, 12A Clarendon Avenue, Leamington Spa, CV32 5PZ

Application for a	Premises Licence.....Yes <input type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application Number	WDCPREM00780

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title | Mr

Surname | Ashley

First name(s) | Richard

Address (incl postcode): **5 Hall Road, Leamington Spa, CV32 5RA**

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	
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Please state nature of representation:
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Section - Objection Details	
<p>My objection is relevant to the following licensing objective:</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 checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input 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)

<p>Our objection is based on the following:</p> <p>You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.</p> <p>Please attach supporting documents / further pages as necessary - Please number all extra pages</p> <p>The opening hours that are requested are out of all proportion to normal business use and will only add to the considerable disturbance already being experienced by local residents.</p> <p>The area serves several night clubs and the trade for this applicant will be drawn at a very late hour from people leaving these clubs, and it is almost certainly why the application is for a license to open until 3am on the 4 days a week which are when the night clubs are at their busiest, and until midnight on the other 3 days when the clubs are not open or it is relatively quiet.</p> <p>The police have stated in the past that their aim is to get people leaving these night-clubs away from the area as quickly as possible to avoid disturbance to residents and</p>

associated problems. An establishment such as this will only encourage people to stay longer, with the resultant noise and aggravation.

Whilst the applicant states that doors and windows will be kept closed at night to prevent noise, the size of the premises will only permit a very small number of customers at one time and the rest will be congregating outside. The applicant acknowledges this himself when stating that he will not hesitate to ask customers to leave the store if there are too many. It is my belief that they will then just wait outside with the accompanying noise that closed windows and doors will be unable to contain.

Many, if not all, of their customers in the early hours will be people who have been drinking in the nearby clubs, and as there are no public toilets anywhere in the vicinity this will no doubt lead to an increase in the number of people urinating on the highway and on private property as happens at the present time. As with all take-away establishments it will also contribute to the discarded food and containers that are left in the streets to attract vermin.

The applicant previously applied for a license for later closing which was not successful and I believe that this latest variation does not alter anything from my previous objection. I strongly object to the granting of the license for the reasons I have given before and now and believe that the hours of closing should be no later than midnight on any day.

Signed...Richard Ashley

Date...14th November 2013.....

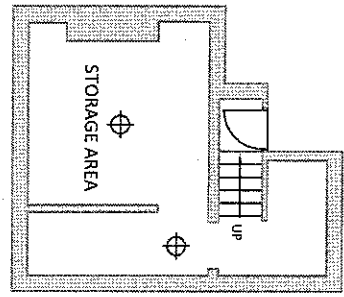
NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
- This form must be returned within 28 days from the day after the application was made. The exact date may be found on the council's website.
- The objection may only relate to one or more of the four licensing objectives.

Please return this form when completed to:

Warwick District Council
Licensing Team,

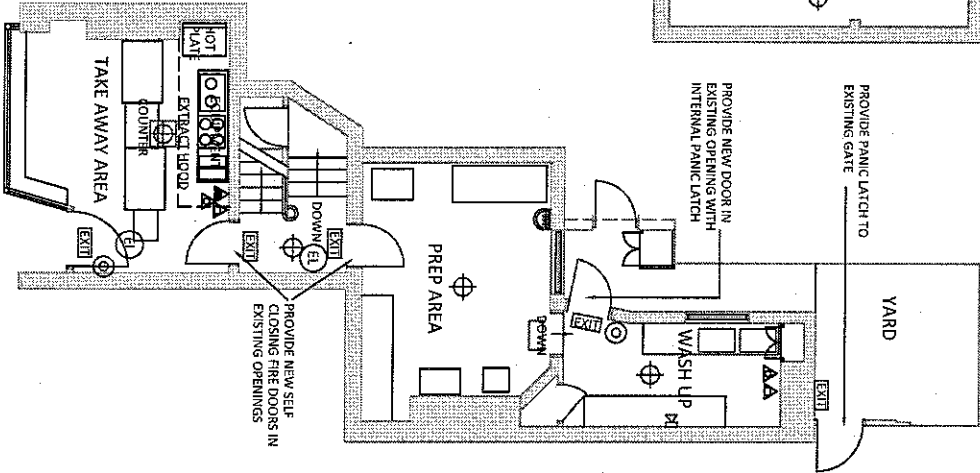
RevNo	Revision note	Date	Signature	Checked



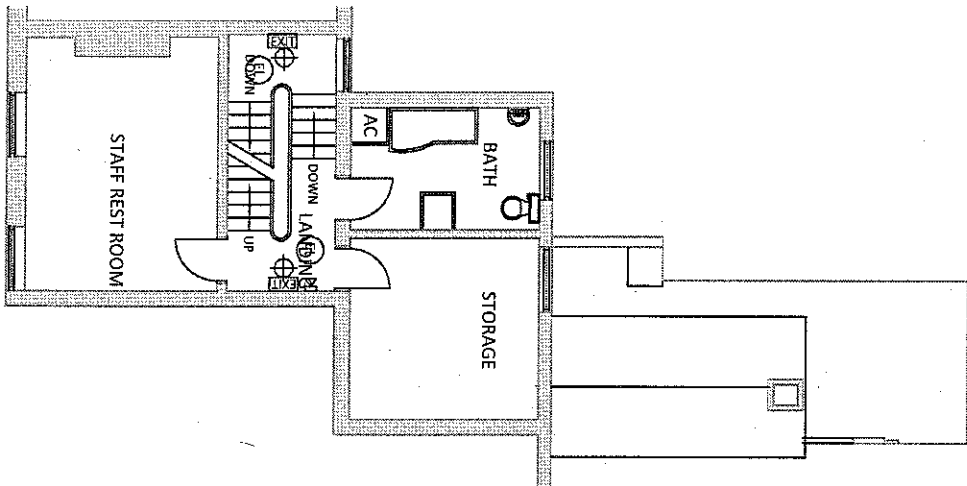
BASEMENT PLAN
scale 1:100

FIRE KEY

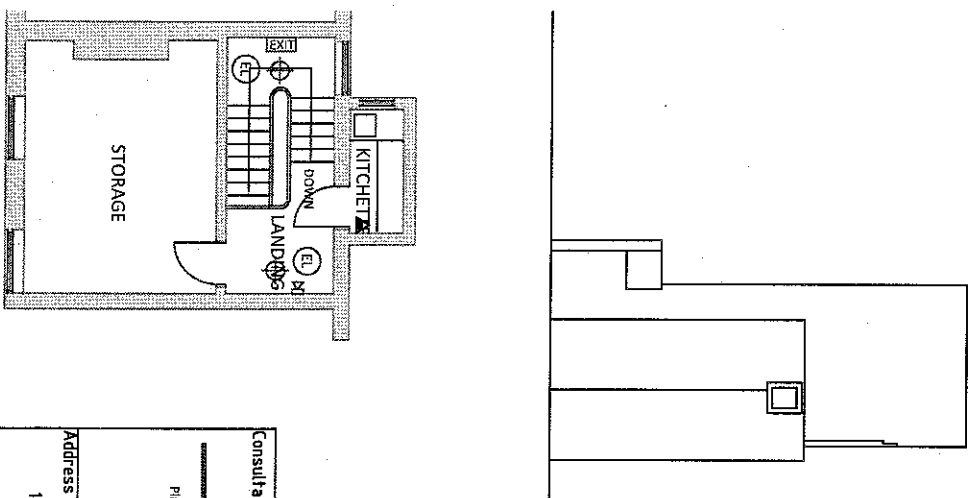
- ☉ SMOKE DETECTOR
- ⊕ HEAT DETECTOR
- EXIT FIRE EXIT
- EL EMERGENCY LIGHT
- KA FIRE ALARM
- ⊙ BREAK GLASS POINT
- ▲ FIRE BLANKET
- ▲ H2O EXTINGUISHER
- ▲ CO2 EXTINGUISHER
- PS30 HALF HR FIRE DOOR



GROUND FLOOR PLAN
scale 1:100



FIRST FLOOR PLAN
scale 1:100



SECOND FLOOR PLAN
scale 1:100



Consultant

AMAA

CONSULTANCY LTD

Civil & Structural Design
Planning & Licensing Consultants
21 The Quadrant
Warwick Business Park
CV32 5PZ
01454

Address

MARALAN PIZZA
123 CLARENDON AVENUE
LEAMINGTON
WARWICKSHIRE
CV32 5PZ

Title PROPOSED FIRE PLANS

Drawn	Checked	Approved
RM	AN	AN

Dwg No. AMA 14-4-003

Scale	Date	Revision
1:100	OCT 2013	



Hall Road

Tavistock Street

Russell Street

Clarendon Avenue

urrent Scale (1:750)

Warwick District Council, 100018302-200



STATEMENT OF LICENSING POLICY

Reviewed 2009

(Changes to cumulative impact zone added)

9th July 2009

1. Introduction

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and guidelines on its content issued under Section 182 of the Act.
- 1.2 Warwick District Council is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population of 126,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 1.3 The aim of this Policy is to:-
- promote the Licensing Objectives.
- 1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-
- **prevention of crime and disorder;**
 - **public safety;**
 - **prevention of public nuisance; and**
 - **protection of children from harm.**
- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- **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.**
- 1.6 This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.

The following, will guide that decision making process:-

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
 - each licence application will be given individual consideration on its merits;
 - when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
 - the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).
- 1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.

1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.

1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

2. Delegation of Functions for Regulatory Matters

2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

3. General Statement of Guiding Principles

3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

3.2 **Principle 1** - The Licensing Authority will not normally fix pre-determined licensing 'quotas' in any given area but see paragraphs 7 and 8.

3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8)

3.5 **Principle 2** - The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing, hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

- 3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.9 **Principle 3** - The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.
- 3.10 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote public safety; and
 - promote the prevention of public nuisance.
- 3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.12 **Principle 4** - As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.
- 3.13 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote the prevention of public nuisance; and
 - address the issue of alcohol sales in shops, stores and supermarkets.
- 3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.15 **Principle 5** - The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- 3.16 The purpose behind this Principle is to:-
- promote the protection of children from harm; and
 - address the issue of children in licensed premises, including cinemas and other public entertainment.
- 3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.18 **Principle 6** – The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

4. Licensing Objectives

4.1 Prevention of Crime and Disorder

4.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the District.

4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.

4.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:—

- planning controls;
- enforcement of Environmental Protection legislation (e.g. on noise nuisance);
- positive measures to provide a safer and clean town centre;
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
- powers to designate parts of the District as places where alcohol may not be consumed publicly;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

4.2 Public safety

- 4.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

4.3 Prevention of public nuisance

- 4.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
 - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
 - consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.
- 4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.
- 4.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were being achieved.
- 4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives
- 4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

4.4 Prevention of Harm to Children

- 4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

- 4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.
- 4.4.3 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.
- 4.4.4 Areas that may give rise to particular concern in respect of children include premises:
- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
 - With a known association with drug taking or dealing;
 - Where there is a strong element of gambling on the premises;
 - Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 4.4.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:
- Limitations on the hours when children may be present;
 - Age limitations (below 18);
 - Limitations or exclusions when certain activities are taking place;
 - Restrictions or exclusions in respect of parts of premises;
 - Requirements for an accompanying adult;
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 4.4.6 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.
- 4.4.7 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

4.4.8 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

5. Other Considerations

5.1 Live Music, Dancing & Theatre

5.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance in neighbourhoods will always be carefully balanced with these wider benefits.

5.2 Integration of Strategies

5.2.1 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

5.2.3 Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.

5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

6. Other regulatory regimes

6.1 This policy shall avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

6.2 Health and Safety

6.2.1 Premises will normally have been visited by the Council's Environmental Health inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

6.3 Fire Safety

6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

6.4 Food Hygiene

6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

6.5 Noise

6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

6.6 Planning

- 6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

6.7 Standard Conditions

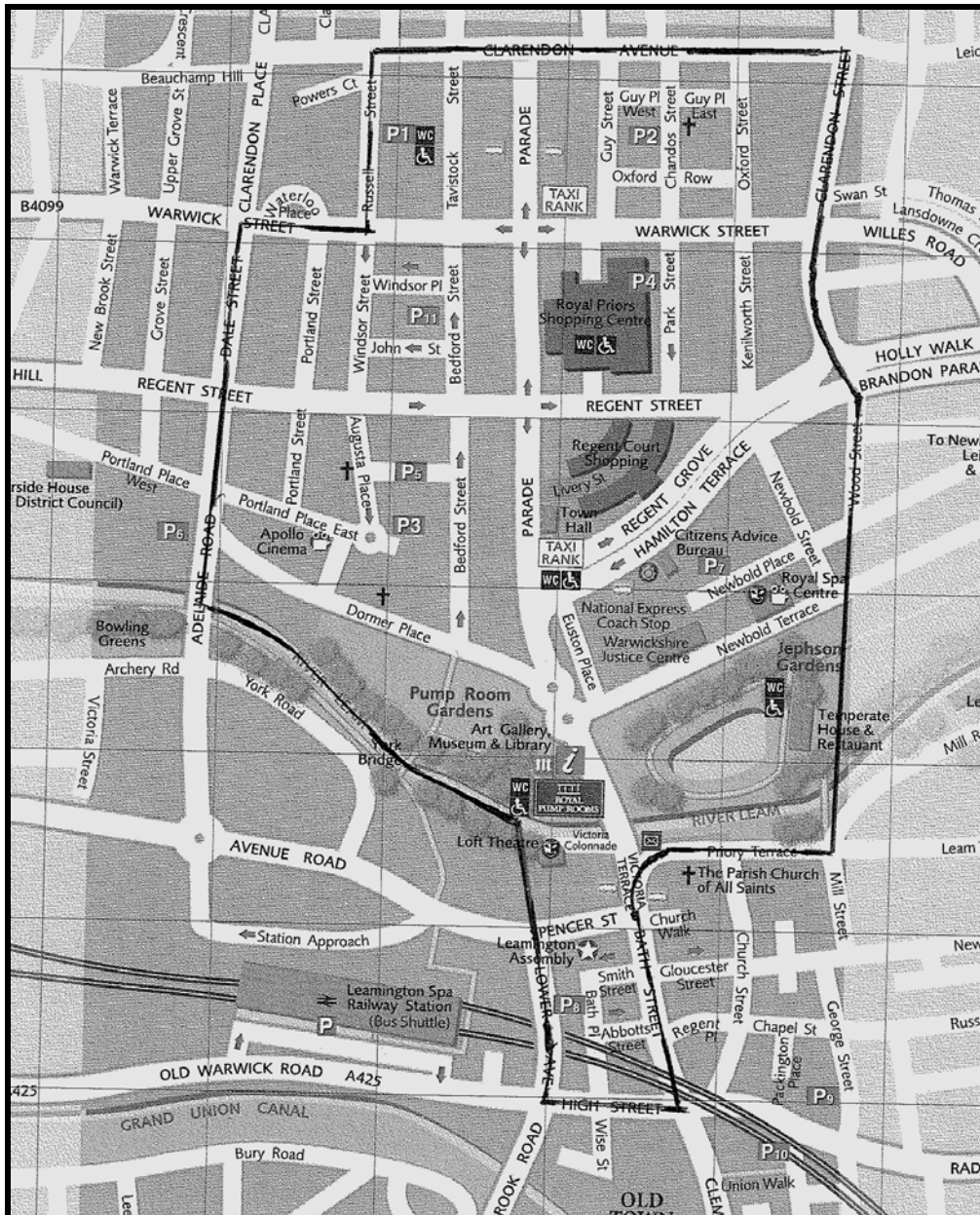
- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

6.8 Enforcement

- 6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.
- 6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Enforcement Group. Information about this group is available separately

7. Special Policy Regarding Cumulative Impact

- 7.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 7.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.
- 7.3 The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 7.3 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)



- 7.4 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.
- 7.5 The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.
- 7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined

in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

- 7.7 The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 7.8 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.
- 7.9 If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.
- 7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.
- 7.11 The policy will be subject to review.

8. Further Information

- 9.1 The Licensing Authority has produced guides for applicants.
- 9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.
- 9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.
- 9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.