

 <b>Licensing &amp; Regulatory Committee</b> <b>30 December 2014</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Papa Johns, 49 Bath Street, Leamington Spa.	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 and Sustainability 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	16.12.2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	15.12.2014	Michael Coker
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps - None</b>		

## 1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Mr Gurnek Singh.
- 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 a premises licence for Papa Johns, 49 Bath Street, Leamington Spa should be approved and, if so, whether the licence should be subject to any conditions.

## 3. THE APPLICATION

- 3.1 Mr Gurnek Singh applied for a premises licence on 12 November 2014. The licensable activities requested are set out in the table below:

	Provision of late night refreshment for consumption outdoors	Opening hours
Sunday to Thursday	23.00 to 01.00	10.30 to 01.00
Friday and Saturday	23.00 to 01.00	10.30 to 01.00

- 3.2 An operating schedule which has been submitted by the applicant and will form part of any licence issued has been supplied as follows:

### *General*

The shop had provision of high security measures in place in respect of all four objectives stated. We are happy to assist/comply with any future objectives that might apply to licence conditions in due course which meets the requirements of the Licensing Act 2003.

### *The prevention of crime and disorder*

CCTV with two outside cameras recording 24 hours.

### *Public safety*

During late night sale/opening for refreshment we have continual video recording to ensure public safety. Our customers are in the premises for a limited period of time. We hold a full public liability insurance policy.

### *The prevention of public nuisance*

Public notice will be displayed for customers to leave the premises quietly in respect of our neighbours.

### *The Protection of children from harm*

Children do not gain access to the shop late at night unless with an appropriate adult.

- 3.3 Representations have been received from Royal Leamington Spa Town Council, attached as appendix 1. Warwickshire Police made representations, however following the agreement of the following condition this was the withdrawn. 'Between the hours of 23.00 and 01.00 Monday to Sunday the front door of the premises must be locked with no entry to visiting members of the public. During these hours all deliveries only to be made to a fixed address for pre-orders only'
- 3.5 There have been no representations received from:
- Fire Authority
  - Enforcement Agency for Health and Safety.
  - The Licensing Authority
  - Authority Responsible for Planning
  - National Health Service/Public Health
  - Body responsible for the protection of children from harm
  - Authority responsible for Environmental Health
  - Warwickshire County Council (Weights and Measures)
- 3.6 There are currently no licensable activities taking place at the premises and therefore there is no evidence in relation to licensing which can be detailed in the report.
- 3.7 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**
- 3.8 A map of the area of the premises is attached as appendix 2 and a plan of the internal area of the premises submitted by the applicant is attached as appendix 3.

#### 4. **POLICY FRAMEWORK**

- 4.1 When considering the application the panel must give appropriate weight to:-
- a) The representations received.
  - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
  - c) The Council's Licensing Policy Statement (attached as appendix 4)
  - 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.

- 4.3 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.

- 4.4 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.

## 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.