

		Licensing Panel 8th May 2012	Agenda Item No. 4
Title		Application for a variation of a premises licence under the Licensing Act 2003 for Cafe Havana, 48 Warwick Street, Leamington Spa.	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area		Community Protection	
Wards of the District directly affected		None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	
Date and meeting when issue was last considered and relevant minute number		N/A	
Background Papers		None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	10/04/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	10/04/2012	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. **SUMMARY**

1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol must hold a premises licence.

2. **RECOMMENDATION**

2.1 Members are asked to consider the information contained in this report, and decide whether the application for a variation of the premises licence for Cafe Havana, 48 Warwick Street, Leamington Spa by Cafe Havana Ltd. should be approved, and, if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

3.1 David Gomez applied for a premises licence for Cafe Havana Ltd in June 2011. Following agreed conditions with Warwickshire Police, the licence was issued. The premises licence remains the same as issued save for a change of DPS first to Szablcs Gargyan and then to the current incumbent, Mark Rafferty.

3.2 The current premises licence permits:

	Sale of Alcohol	Opening Hours
Monday	10:00 – 19:00	10:00 – 19:00
Tuesday	10:00 – 19:00	10:00 – 19:00
Wednesday	10:00 – 19:00	10:00 – 19:00
Thursday	10:00 – 19:00	10:00 – 19:00
Friday	10:00 – 19:00	10:00 – 19:00
Saturday	10:00 – 19:00	10:00 – 19:00
Sunday	10:00 – 19:00	10:00 – 19:00

On New Year' Eve permitted to stay open until closing time on New Year's Day.

Variation requested

	Sale of Alcohol	Opening Hours
Monday	10:00 – 21:00	10:00 – 21:00
Tuesday	10:00 – 21:00	10:00 – 21:00
Wednesday	10:00 – 21:00	10:00 – 21:00
Thursday	10:00 – 23:00	10:00 – 23:00
Friday	10:00 – 23:00	10:00 – 23:00
Saturday	10:00 – 23:00	10:00 – 23:00
Sunday	10:00 – 18:00	10:00 – 18:00

On New Year' Eve permitted to stay open until closing time on New Year's Day.

3.3 An operating schedule which will form part of any varied licence issued has been supplied as follows:

The Prevention of Crime and Disorder

CCTV system is fitted to all areas of the premises

- 3.4 Representations have been received from Environmental Health (Appendix 1) and Warwickshire Police (Appendix 2)
- 3.5 A maps of the area of the premises are shown as Appendix 3
- 3.6 **These premises are contained within the Council's Cumulative Impact Area which is contained within the Licensing Policy adopted by Warwick District Council. This being the case, the burden of proof is with the applicant to show that the application will not impact on the four licensing objectives; it is not for the representors to prove that it will.**
- 3.7 When considering the application the panel must give appropriate weight to:-
- a) The representations received.
 - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
 - c) The Council's Licensing Policy Statement (Appendix 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.

- 3.8 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.
- 3.9 Details of the procedure adopted by the Licensing Committee for Panel Hearings has been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

- 6.1 None

7. **BACKGROUND**

- 7.1 None.