

 <b>Licensing &amp; Regulatory Panel</b> <b>25 February 2019</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for a premises licence issued under the Licensing Act 2003 for Nashaa, 55 Warwick Road, Kenilworth, CV8 1HN	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer. Tayyibah Daud, Licensing Enforcement Officer. Health and Community Protection. Emma.dudgeon@warwickdc.gov.uk Tel: 01926 456113	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	14/02/2019	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 Nashaa, 55 Warwick Road, Kenilworth, CV8 1HN.
- 1.2 A representation has 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 Nashaa, 55 Warwick Road, Kenilworth, should be granted and, if so, whether the licence should be subject to any 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 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.

- 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 Nurul Hoque applied for a premises licence for Nashaa, 55 Warwick Road, Kenilworth on 8 January 2019. It is proposed that the premises will operate as a restaurant and bar. The licensable activities requested by applicant are detailed in the table shown below:

	Opening Hours	Sale of alcohol for consumption on the premises	Late Night Refreshment (Indoors)
Monday to Sunday	12:00 to 01:00	12:00 to 01:00	23:00 to 01:00

3.2 After submitting the premises application, the applicant has agreed conditions with Warwickshire Police and Trading Standards. Therefore the operating schedule, which will form part of any licence issued, is currently as follows:

*General*

Alcohol sold will be sold within the law of the Licensing Act 2003.  
All alcohol will be sold with duty of care and attention and the applicant is proposing to be a responsible retailer.

*Prevention of Crime and Disorder*

Provide a camera system that covers 28 days recording.  
All Staff working will be trained by the premises licence holder.  
A refusals book will be kept behind the counter.  
Photo ID will be checked to prevent under age sales.

*Public Safety*

Use adequate and appropriate lighting.  
Make sure all areas available to customers are clean and clear.

*Prevention of Public Nuisance*

Drunk people will not be served.  
Dustbins will not be taken out for collection in unsociable hours.  
Customers showing anti-social behaviour will not be served.

*Protection of Children*

Challenge 21 Scheme will be used.  
Log register/refusal book and training book will be used and kept behind counter

*Conditions agreed with Warwickshire Police and Trading Standards:*

- A 'Challenge 25' age verification policy requiring proof of age bypassport, photo driving licence or PASS accredited card (as opposed to Challenge 21)
- A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made
- Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.
- Alcohol to be tabled served by waiter/waitress service at all times, unless at the bar area to those awaiting to be seated for a table meal.
- Alcohol only to be supplied to those persons partaking of a table meal and/or those awaiting being seated.
- CCTV to be installed and the premises licence holder must ensure that :-
  - a. CCTV cameras are located within the premises to cover entrance & bar area.
  - b. The system records clear images permitting the identification of individuals.

- c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
- e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- f. Downloads will be provided to the Police upon reasonable request in line with the DPA.

- All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.
- Staff to be trained in drunk and drugs awareness
- No entry after 00.00 hrs
- DPS to make on going professional risk assessments as to whether to employ door supervisors at any time.
- No open vessels to leave the premises at any time.
- Challenge 25 Scheme to be adopted and enforced
- Refusals book / registered to be maintained and made available for inspection on reasonable request from responsible authority.
- All staff to be trained in age verification policies and procedures
- No persons under the age of 18 years will be allowed on the premises after 21.00hrs unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority.

3.3 The Licensing Department has received a valid representation from the owner of the premises adjacent to Nashaa, 55 Warwick Road, Kenilworth. This representation along with supporting documents is attached as appendix 1.

3.5 No representations have been received from:

- Environmental Health
- Fire Authority
- Environmental Health
- 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 Premises licences issued under the Licensing Act 2003 was in place at 55 Warwick Road, Kenilworth between August 2007 and November 2013 when the licence was surrendered. The premises was previously known as Seetar Tandoori.

3.7 A map and photograph of the premises is attached as appendix 2. A plan of the premises provided by the applicant is attached as appendix 3. Colour copies of the plan will be provided at the panel.

#### 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	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting

appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	our processes Increase the digital provision of services	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.