

		Licensing Panel 12th December 2012	Agenda Item No.
Title		Application for a variation of the premises licence issued to Loose Box, 4 Bedford street, Leamington Spa under the Licensing Act 2003	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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	28/11/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	28/11/2012	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. **SUMMARY**

- 1.1 Under the provisions of the Licensing Act 2003 a premises that holds a premises licence may apply to vary that 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 Loose Box (previously Mumbai Bluu) should be approved, and, if so, whether it should be subject to any additional conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Mr M Kandola, as a director of Momak Ltd., applied to convert the existing Justices Licences for Mumbai Bluu in July 2005 to a premises licence under the Licensing Act 2003 (LA 2003). The police were the only authority permitted to object to this conversion on the grounds of crime and disorder. No such objection was received. At the same time a variation application was submitted which attracted representations and a hearing was held on 5th September 2005 to decide the licence to be issued at the inception of the LA2003 on 24th November 2005.
- 3.2 The Licensing panel's decision was appealed to the magistrates court who modified the premises licence
- 3.3 Mr Kandola applied on 7th September 2009 to vary the premises licence to change the hours permitted for the sale of alcohol for consumption on the premises on Tuesday to Thursday to 10:00 to 02:00. This application was refused at a Licensing Panel hearing on the 21st December 2009. A copy of the decision letter is attached to this report as **Appendix 1**.
- 3.4 Mr Kandola has now applied again to vary the premises licence as described in the variation application form which is attached to this report as **Appendix 2**.
- 3.5 For clarification, the current premises hours and the hours applied for are laid out in table format which is attached to this report as **Appendix 3**.
- 3.6 An operating schedule has been submitted with the variation application. Not all parts of the schedule translate to appropriate and enforceable conditions. The relevant points are as follows:

Prevention of crime and disorder

SIA registered door staff will be employed from 20:00 hours on Thursday, Friday and Saturdays until close.

The premises will remain a member of the WDC approved Pubwatch scheme and adhere to all of its terms and conditions

Protection of children from harm

Under 18's will not be allowed on the premises after 18:00 on any day

- 3.6 A representations have been received from Warwick Police which is attached to this report as **Appendix 4** and also one from Environmental Health which is attached as **Appendix 5**.
- 3.7 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.
- 3.8 A map of the area of the premises is attached as **Appendix 6**
- 3.9 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 which is attached as **Appendix 7**.
 - d) The Licensing Objectives, which are the promotion of:-
 - 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.

- 3.10 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.
- 3.11 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.