



**Licensing Panel
19 August 2013**

Agenda Item No. 4

Title	Application for the grant of a premises licence under the Licensing Act 2003 for Maralani Pizza, 12a Clarendon Avenue, Leamington Spa.
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113. emma.dudgeon@warwickdc.gov.uk
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	18.7.2013	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	18.07.2013	Michael Coker
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **SUMMARY**

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to provide late night refreshment 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 the grant of a premises licence for Maralani Pizza, 12a Clarendon Avenue, Leamington Spa, should be approved, and, if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Mr Saied Maralani has applied for a premises licence for 12a Clarendon Avenue, Leamington Spa, to authorise the following activities:

Late Night Refreshment

Tuesday to Saturday from 23:00 until 04:00

Sunday and Monday from 23:00 until 02:00

Opening Hours

Tuesday to Saturday from 14:00 until 04:00

Sunday and Monday from 14:00 until 02:00

Including New Years Eve, New Years Day and Christmas Eve and Bank Holidays

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

Prevention of Crime and Disorder

The applicant will co-operate with the local Police to ensure that they are made aware of particular problems which affect the area and which may potentially affect the shop

Prevention of public nuisance

Doors and windows will be kept closed at night to prevent transmission of noise. Customers visiting will be asked to leave the premises quietly and due consideration for the area. No music played at the premises. Delivery drivers are required to enter and leave their vehicles quietly. The applicant will not hesitate to ban customers who are causing a lot of noise and disturbance. Equipment is insulated etc.

Public Safety

The premises comply with all requisite Health and Safety Legislation. The applicant will carry out regular Health and Safety Risk Assessments. In the unlikely event that greater numbers of people congregate in the premises than is conducive to public safety the applicant will not hesitate to ask customers to leave the store and will also encourage home delivery service.

Protection of children

Shop is not licensed for the sale of alcohol. It is unlikely that a child unaccompanied by an adult would visit the shop. Due consideration and care will be given if a child enters the shop.

- 3.3 Relevant representations against the grant have been received from Warwickshire Police attached as Appendix 1, Environmental Health attached as Appendix 2, two Ward Councillors attached as Appendices 3 and 4 and from residents within the vicinity attached as Appendices 5 to 7.
- 3.4 A letter and an email have been received from the applicant and are attached as Appendices 8 and 9.
- 3.5 **These premises are contained within the council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact on any of the Licensing Objectives – it is not for anyone making representations to prove that it will.**
- 3.6 A map of the area of the premises are attached as **Appendix 10**.
- 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 (attached as **Appendix 11**)
 - 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.

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	Carline J Simms
Job Title	Licensing Officer
Postal and email address	Police Station, Warwickshire Justice Centre carline.simms@warwickshire.pnn.police.uk
Contact telephone number	01926 684293

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	<p>The premises are within the current Cumulative Impact Zone of Leamington Town Centre therefore Warwickshire Police ask Warwick District Council to refuse this application, should this licence be successful Warwickshire Police would ask the panel to consider the conditions set out below to be placed upon the licence.</p> <p>Warwickshire Police believes that allowing this licence will increase Crime & Disorder in the vicinity. This area has an established high footfall from the concentration of alcohol licensed premises and late night refreshment establishments already serving this specific area. If this licence is granted there is more potential for Crime & Disorder in the form of anti-social behaviour to increase in this area. The premises is located close to residential premises and allowing this licence will encourage patrons leaving from other establishments to remain within the area rather than directly making their way home giving rise to potential Anti-social behaviour.</p> <p>Further evidence will be submitted in advance of any hearing.</p>
Public safety	Yes	
To prevent public nuisance	Yes	
To protect children from harm	No	

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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, but should the hearing panel issue a license we would request the following conditions: -

CCTV to be installed to the current British Standard BS7958. This consists of:

Cameras shall cover all public areas.

Head and facial recognition coverage.

Recordable and retained for a minimum of 31 days.

CCTV images to be made available to Police or Local Authority upon reasonable request. Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.

Signed off by Warwickshire Police Architectural Liaison Officer.

The premise shall be a member retail radio; ensuring that the equipment provided is in working order and switched on during normal hours of business, all staff members must be trained in accordance with all policies and procedures and a record be documented available to Police/Local Authorities upon reasonable request.

There is to be no entry to the premises 30 minutes before the closure of the premises. This will apply everyday of the week including weekends to ensure a consistent closing time for the premises.

1 SIA registered door staff to wear high visibility jacket whilst on duty outside the premises and to be on duty from no later than 23:00hrs every night until closure of the premises.

All door staff to be briefed by management at the start of any shift. Door supervisors will provide statements to police officers should this be required.

The premises will maintain and update training records of all staff, and documentation made available upon request of the Police or Local Authority. A zero tolerance policy towards anti social behaviour must be in operation on the premises at all times.

Signed: Carline J Simms
Licensing Officer
Warwickshire Police

Date: 31/05/2013

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. 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

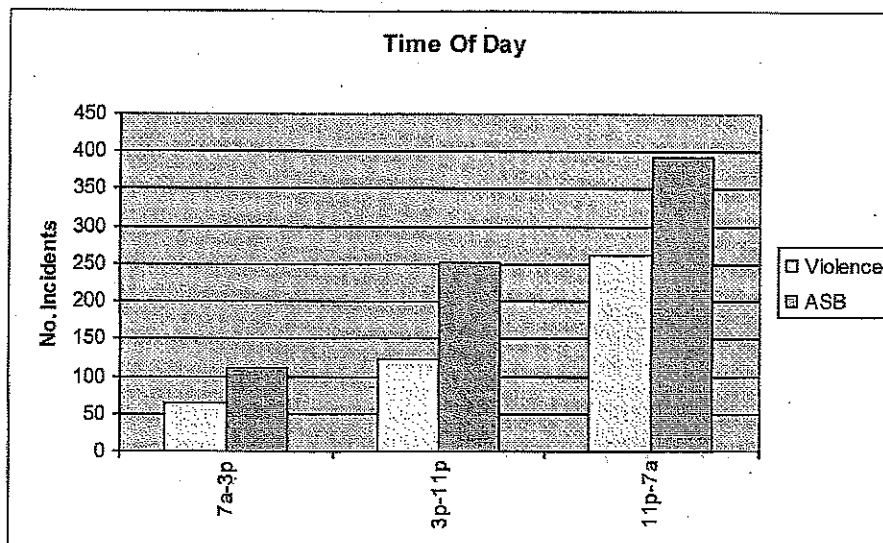
Late Night Refreshment & Take Away's

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

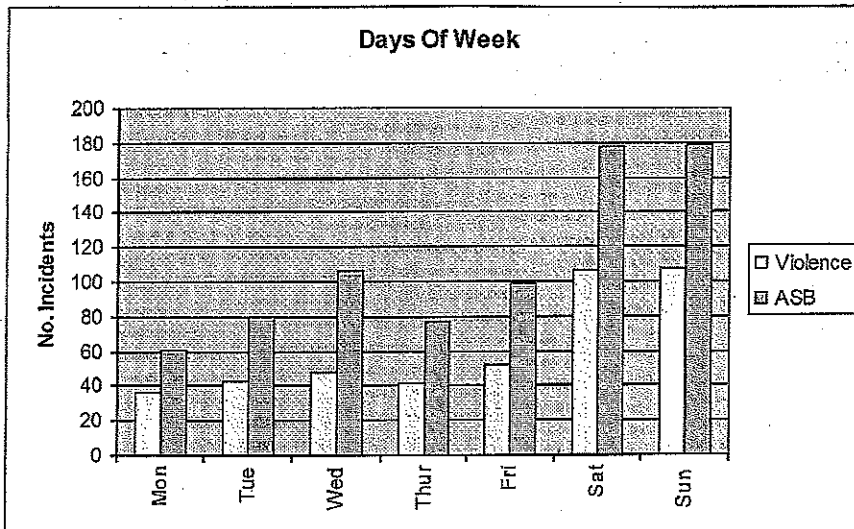
From conducting a basic research of STORM incidents from 1st Mar 2012 to 31st March 2013, approximately 1300 incidents have been found. This search has been conducted under the initial call types of Violence, disorder, Rowdy, and drunks. The areas searched covered the Town Centre and Old Town, including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

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



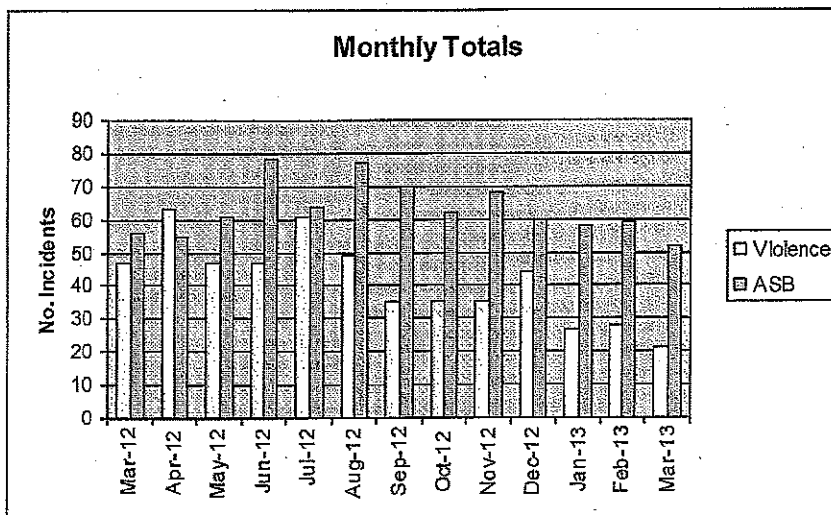
This graph represents the time of day for the researched incidents.

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

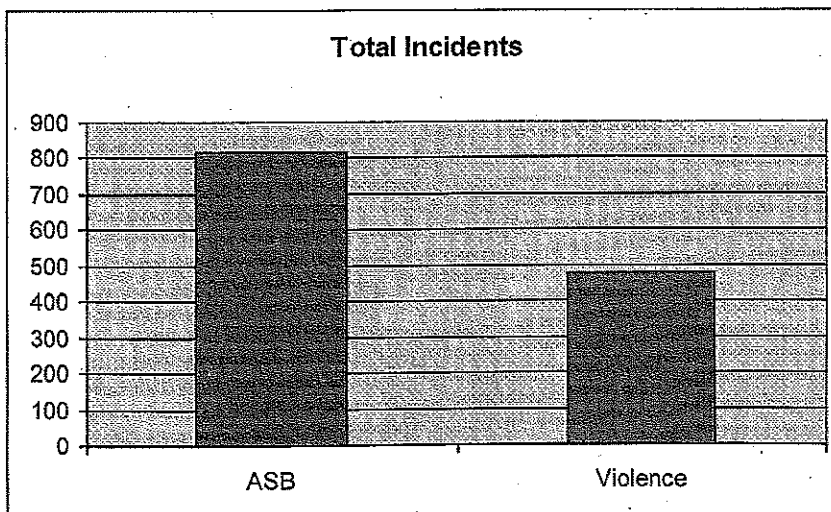


This graph represents how the calls to police are spread out over a week.

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.

It can also be seen that the concentration of incidents is more centred around the Old Town Area during the week evenings.

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.

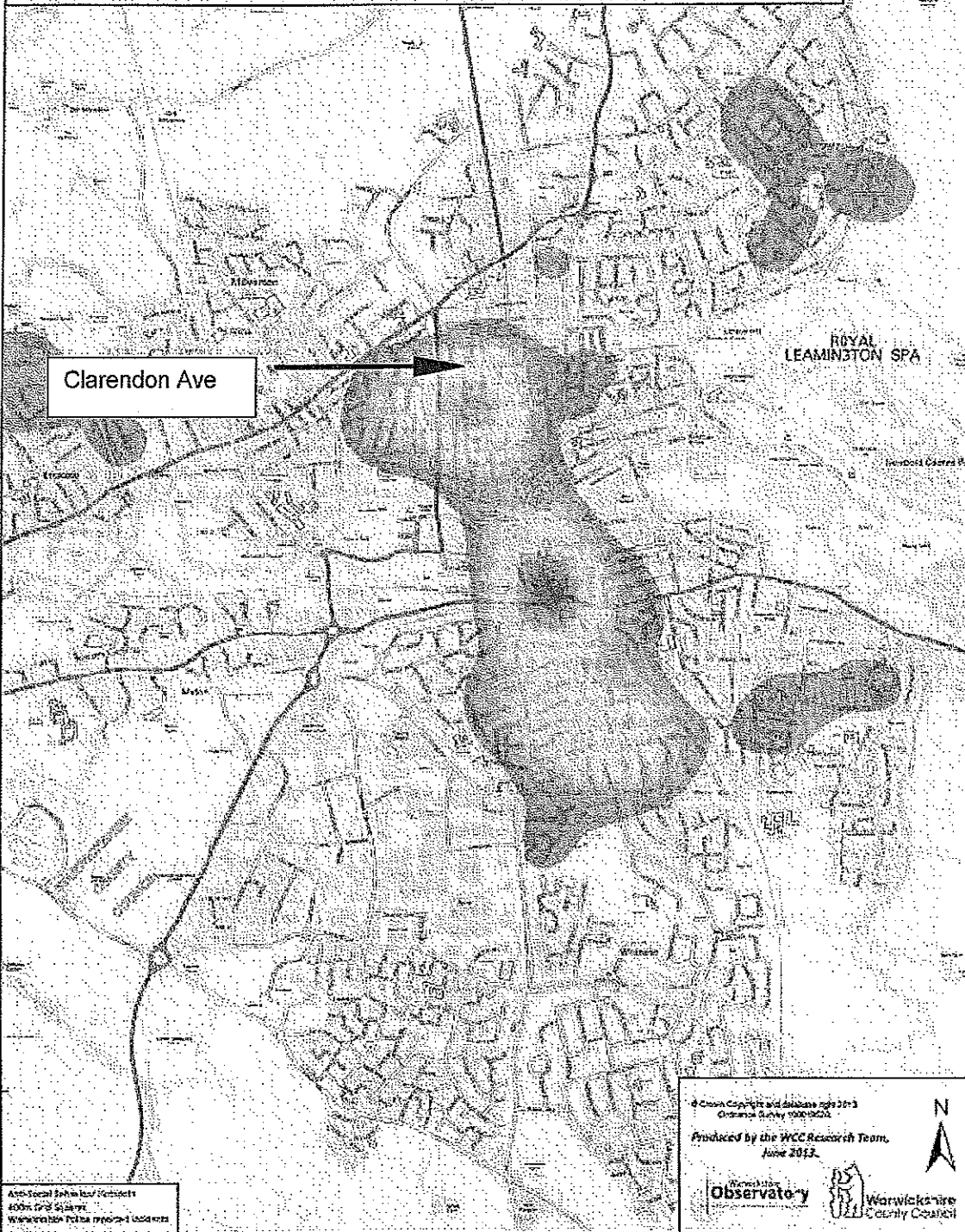
Summary

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.

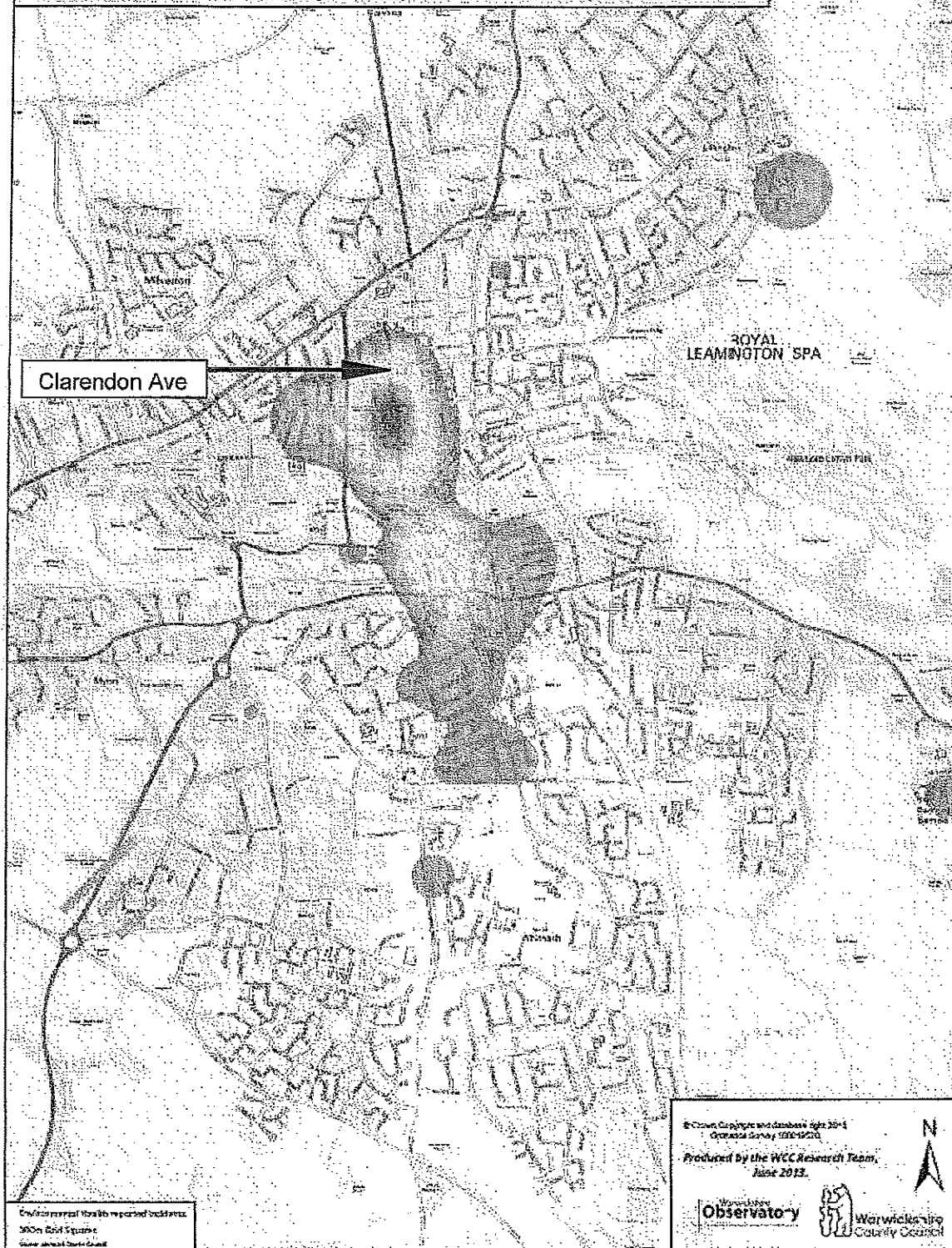
Leamington - Anti-Social Behaviour Incident Hotspots

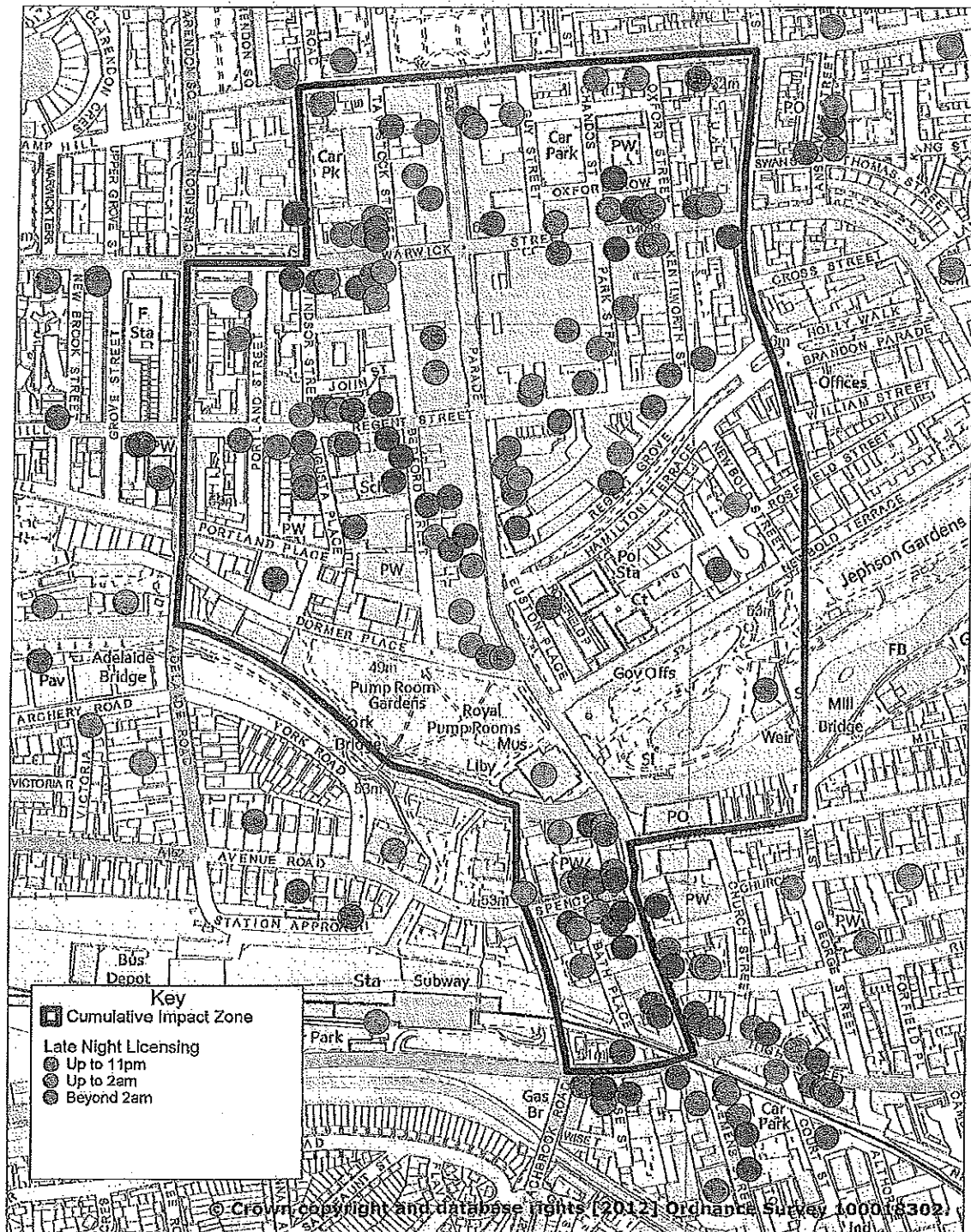
Year 3 - 2012 (30th September to 9th December)

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

Appendix 2

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 in 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		

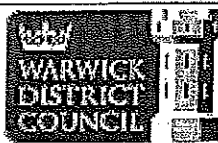
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	No recommended condition
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Comments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

Date: Friday 14th June 2013

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..... ☐

Application to vary an existing

Premises Licence..... ☐

Club Premises Certificate..... ☐

Application Number

WDCPREM00757

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

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

Residents in Hall Road (three of whom independently contacted me) and nearby already experience effects of people leaving nearby nightclubs and bars in the early hours of the morning in a noisy, inebriated state.

It would be completely counterproductive to Warwickshire Police's ongoing efforts to clear Leamington town centre quietly and safely once clubs and bars are closing, if Warwick District Council were to allow this outlet to open until 4am five mornings of the week and 2am on other days.

The late opening would provide reason and encouragement for people often disinhibited by their alcohol consumption to remain at a very late hour in this area where north.

Leamington residential use begins. The fact that the premises would be a focal point for gathering would inevitably concentrate noise and disturbance. Once people (most often in groups) had left the premises, the owners or staff realistically would not be able to exercise any control over their volume, disposal of litter and conduct. Residents of Hall Road already report that people being loud, leaving rubbish and even urinating into their properties when leaving the Town Centre are all regular problems, which new premises open at the suggested hours could only be expected to aggravate.

Areas where people in the condition described above have to wait around and queue (this applies e.g. to taxi ranks as well as food outlets) are clearly potential flashpoints for arguments and sometimes even violence. Police resources are increasingly stretched, making addition of another establishment particularly unwise at the present time, and staff of the premises realistically could not (nor would they be trained to) deal with overspill to the surrounding area of any altercations.

There is nearby on Clarendon Avenue a fish and chip shop which opens until 10pm. The pizza takeaway should close at the same time in order to avoid the problems outlined above.

Signed J.L.Dean
Date.....15.07.2013

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

Emma Dudgeon

From: Jerry Weber
Sent: 17 July 2013 21:24
To: Licensing
Subject: WDCPREM00757

Dear Licensing,

I object to the licensing application WDCPREM00757 for the following reason:

The proposed opening hours to 4 am is excessive and unnecessary. It will encourage congregation of people probably inebriated at a time of the morning when we should be encouraging people to go home after a night out. It has the potential to encourage anti-social behaviour.

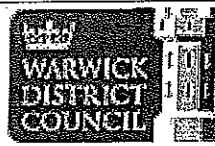
NB: I have not used the official representation PDF as it would mean downloading, printing and rescanning.

Regards

Jerry

Jerry Weber
District Councillor
Leamington Clarendon

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 ☐

Club Premises Certificate..... ☐

Application to vary an existing

Premises Licence..... ☐

Club Premises Certificate.....☐

Application Number

WDCPREM00757

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): ☒ Hall Road, Leamington Spa, ☒

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:

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

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.

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 4am on 5 days a week, and 2am on the other 2 days.

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 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.

I strongly object to the granting of the license for the reasons I have given and believe that the hours of closing should be no later than midnight each day.

Signed... [REDACTED]

Date...24th June 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 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..... <input checked="" type="checkbox"/> 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	WDCPREM00757

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	██████████
First name(s)	██████████
Address (incl postcode):	
██████████	
Hall Road	
LEAMINGTON SPA	
██████████	

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:

3
J

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

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 until 2.00 am or 4.00 am, as proposed, they will encourage people to collect in the area even later and the nuisances referred to above can be expected to occur even later than currently and 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 (e.g. violent assault on a woman at a takeaway in Clemens Street at 3.00 am last November and a stabbing at a takeaway in Victoria Terrace at 2.30 am last September). 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.

In summary, whilst not objecting to the use of these premises as a takeaway outlet, I do oppose the proposed opening hours for the reasons stated above. I believe that opening should be restricted to no later than 10.00 pm, in line with the neighbouring fish and chip shop.

Signed..... (submitted by e-mail)
Date.....7th July 2013

NOTES

- Please complete all information or your objection may not be considered.
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- 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
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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

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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
Late night refreshment

Sunday and Monday 14:00 to 02:00
Tuesday to Saturday 14:00 to 04:00

Premises Licence..... ☒ X

Club Premises Certificate..... ☐ □

Application to vary an existing

Premises Licence..... ☐ □

Club Premises Certificate..... ☐ □

Application Number

WDCPREM00757

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

~~I am concerned that the applicant may not take kindly to any objection that may affect the profitability of his business and therefore wish my identity to remain private.~~

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:

Undoubtedly the intention behind the application is to attract trade from people leaving nightclubs during the middle of the night.

There is already considerable disturbance, crime and anti-social behaviour arising from these people; any further 'attraction' that entices or gives reason from them to hang around the area any longer, rather than going straight home can only serve to exacerbate the already considerable problem.

My neighbours and I suffer vandalism, people urinating, vomiting and fornicating both in the street and on our properties in addition to considerable shouting which frequently goes on beyond 4am.

I note from the application that the applicant states he intends to address the licensing objectives of: Prevention of Crime and Disorder, and Prevention of Public Nuisance. Whilst I am not questioning his intention I cannot comprehend, even with the best intention, how in reality he can have any influence whatsoever on the conduct of crowds of people, many of whom have consumed large amounts of alcohol of many hours, anywhere other than inside or immediately outside the premises. Indeed, if someone should begin vomiting, fighting or shouting inside the premises is it reasonable to expect that he would do anything other than turn them out onto the street?

Having purchased take-away food in the night people will typically hang around in the surrounding area whilst they consume it; then dispose of the packaging (for which there is no provision in the area). By which time many of them will, no doubt, be in need of toilet facilities, which again there are none in the area.

Finally the provision of late licences in entirely defeats the police's previously stated aim to get people leaving nightclubs away from the area as quickly as possible to avoid disturbance to local residents and the other problems described above.

For these reasons I object to the granting of the licence and believe that the operating hours for this establishment should be restricted to 11pm. This would be consistent with Fryers of Leamington, another takeaway food establishment only a few doors away from Maralani Pizza.

Signed..... Date.....8th July 2013

NOTES

ITEM 4 / PAGE 30

Kirsten Page

From: Saied Maralani <maralanipizza@yahoo.co.uk>
Sent: 17 July 2013 02:24
To: Licensing
Subject: 12a cleredon avenue maralani pizza for late nite opening

hi we had a call from you about seating in our takeaway. we will not have any seating inside after 10pm and we will be only serving takeaway only. and we will be using secuity (door man) and cc tv in the future.
thanks

6
X
D.M.C
12 A CLENDON AVE
12 JUL 2013
LEAMINGTON SPA
CV32 5PZ
WARWICK DISTRICT COUNCIL

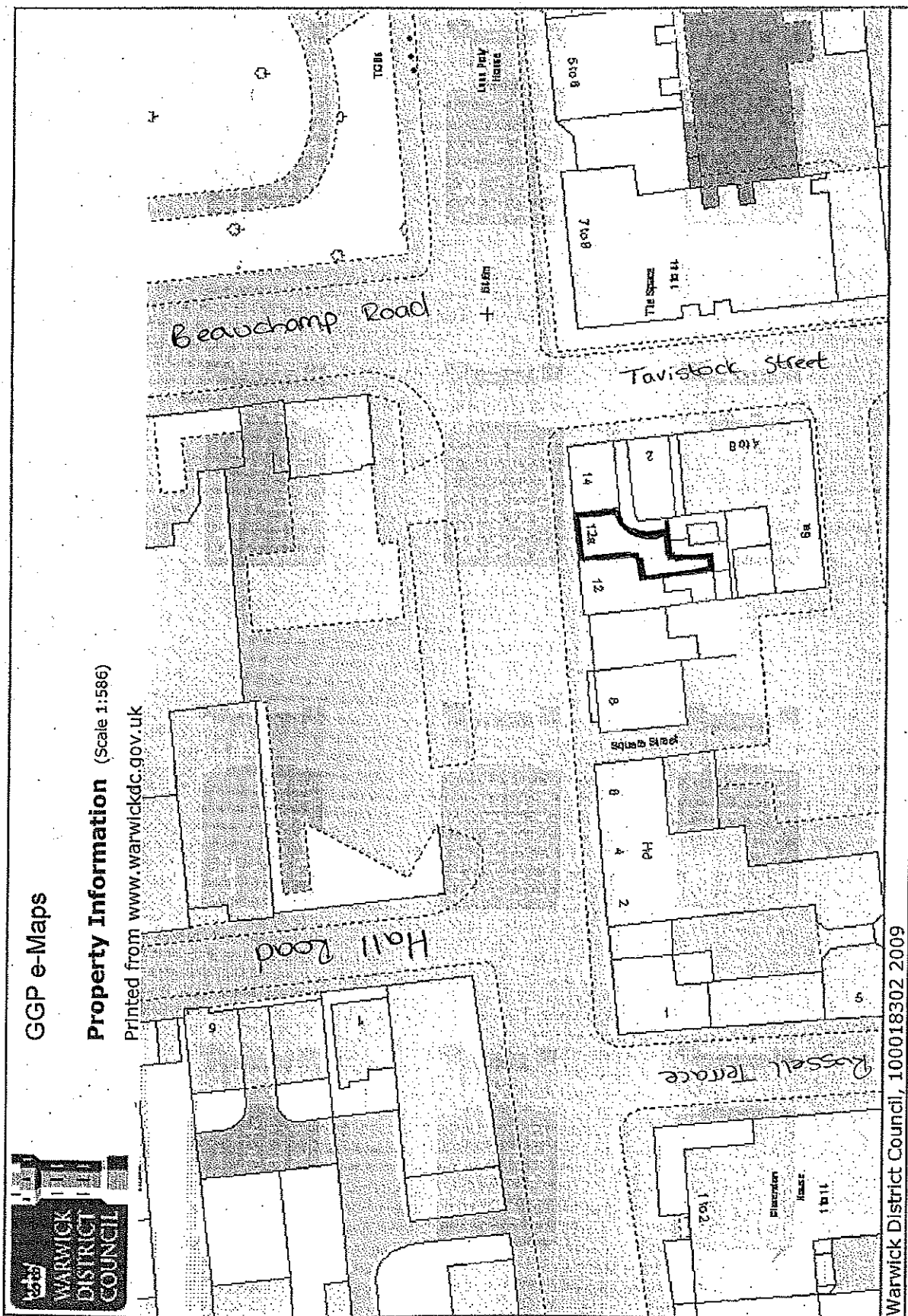
DEAR LICENSING TEAM

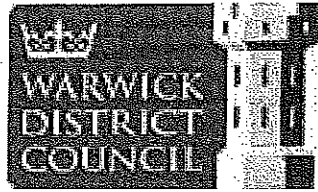
I am Jane the partner of Saied
MAHALANI. WE HAVE SENT IN A
PREMISE LICENSING APPLICATION
FORM FOR LATE NIGHT OPENING FOR
MAHALANI PIZZA, this is our
family business. we have spent
£3000 already, and also
we have spent £1200.00 RENT
and lots more. we also have
to throw the meat away at night.
And buy fresh the next day. and
we are only making £20.00 a day
I can not pay my staff as this
is our first business. we have made
a mistake we should of got the
late night licence first and

Then signed the contract.
Please could you save our
business.

Many thanks

Jane [redacted]
and
Saied [redacted]





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

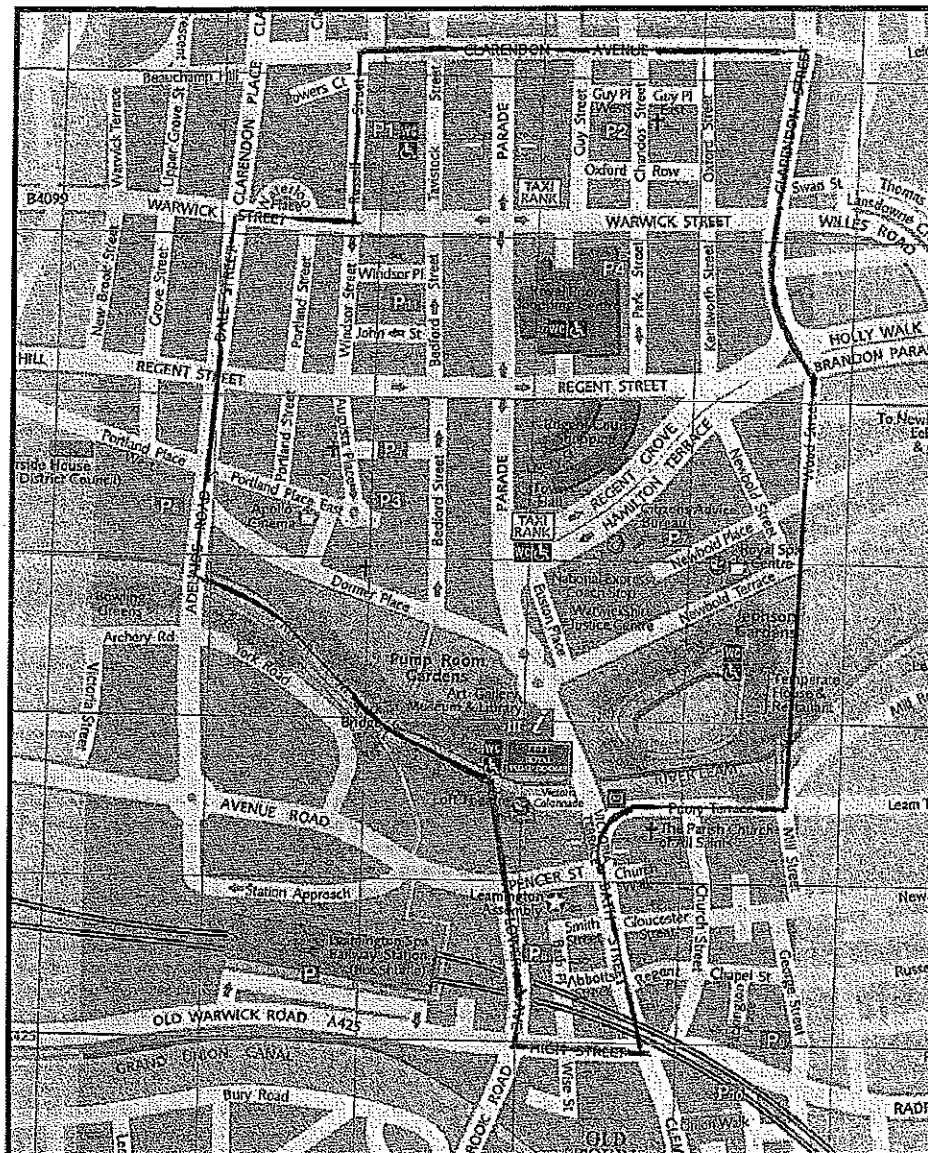
- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

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.