

		Licensing Panel 20th August 2012	Agenda Item No. 4
Title		Application for the grant of a premises licence under the Licensing Act 2003 for Tuscanos, 25 Bath 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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	08/08/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	08/08/2012	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 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 Tuscanos, 25 Bath Street, 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 YOURDKHANI applied for a premises licence for a Tuscanos on the 5th July 2012 to authorise the following activities:

Late Night Refreshment

Monday to Thursday	23:00 to 02:00
Friday to Sunday	23:00 to 05:00

Opening Hours

Monday to Thursday	12:00 to 02:00
Friday to Sunday	12:00 to 05:00

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

Prevention of public nuisance

A self closing door must be used to prevent noise escape.

Protection of children

No children are permitted in the premises unless accompanied by an adult.

- 3.3 Relevant representations against the grant has been received from Warwickshire Police (**Appendix 1**) and Environmental Health (**Appendix 2**)

- 3.4 **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.**

- 3.5 *For information only*, Tuscanos currently hold a premises licence that permits the following:

Late Night Refreshment

Sunday to Thursday	23:00 to 00:00
Friday to Saturday	23:00 to 02:00

Opening Hours

Sunday to Thursday	12:00 to 00:00
Friday to Saturday	12:00 to 02:00

- 3.6 A map of the area of the premises are attached as **Appendix 3**
- 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 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.