

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at Saltisford One, Warwick, on Wednesday 14 February 2024, at 10.00am.

Present: Councillors Luckhurst, Rosu and Gorman.

Also Present: Alaa Cronin (Council's Solicitor), Jack Henson (Licensing Enforcement Officer), Lewis Apaya (Licensing Business Administration Apprentice – observing only) Mia Matthews (Committee Services Officer- observing only) and Sophie Vale (Principal Committee Services Officer).

1. Appointment of Chairman

Resolved that Councillor Luckhurst be appointed as Chairman for the hearing.

2. Substitutes

Councillor Gorman substituted for Councilor Redford.

3. Declarations of Interest

There were no declarations of interest made.

4. Application for a new Premises Licence under the Licensing Act 2003 for B&M Store, 697 Station Road, Kenilworth

The Panel considered a report from Safer Communities, Leisure and Environment which had received a valid application for a new premises licence at B&M Store, 697 Station Road, Kenilworth. Representations were received in relation to this application for the consideration of the Panel in the determination of the application.

The Panel was asked to consider the information contained in the report and decide whether the application for a new premises licence for the B&M Store, 697 Station Road, Kenilworth, should be granted and, if so, whether the licence should be subject to any additional conditions.

B & M Retail Limited applied for a new premises licence for the B&M Store at 697 Station Road, Kenilworth on 21 December 2023. The premises had been described by the applicant as a retail shop which offered a wide range of home goods, a mix of food and hardware, which are of quality but at affordable prices.

The application was for the sale of alcohol off the premises. A copy of the relevant part of the application form was attached as Appendix 1 to the report.

The Licensing Department had received two objections from local residents, and these were attached as Appendices 2 and 3 to the report. The objectors were invited to attend the Licensing and Regulatory Panel.

No representations had been received from:

- Trading Standards
- Warwickshire Police
- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health
- Environmental Health

A plan showing the location of the premises was attached as Appendix 4 to the report along with the current plan of the internal layout. Photographs of the premises were attached as Appendix 5 to the report.

The applicant had sent additional information to the Licensing Department to be included in the report. This was attached as Appendix 6 to the report.

The Chair asked Members of the Panel and Officers to introduce themselves.

The applicant introduced himself as Mr England, the area manager. He was joined by his solicitor, Mr McCann.

The Council's Solicitor announced the procedure for the meeting. At the Chair's request, the Licensing Enforcement Officer introduced the report.

In his opening statement, Mr McCann advised that:

- the area manager/applicant, Mr England, had over 13 years' experience working for B&M;
- B&M had over 700 stores and employed over 35,000 people nationwide;
- B&M was a variety retailer, with the vast majority of stores owning a licence to permit sales of alcohol. However, alcohol only made up 2% of sales nationwide;
- it was important for them to have a licence to sell alcohol as customers expected to be able to buy it in their stores;
- they wanted B&M to be a one-stop shop, and did not want to inconvenience customers by making them have to go elsewhere for alcohol;
- B&M sold a limited range of drinks, and all drinks were contained in one aisle;
- the drinks were never refrigerated, which discouraged immediate consumption after purchase;
- Mr England had never witnessed loitering and consumption of alcohol outside of the stores, so this was unlikely to be a problem;
- all staff were trained to recognise underage sales, and all staff had to pass a licensing test before they were allowed to work on the till;
- staff received refresher training on licensing laws every three months;
- they reminded staff of the Challenge 25 law every time they logged on to the till, and also every time alcohol was purchased;
- B&M also employed third parties to conduct test purchases, and if a member of staff were to fail this test they would be suspended until further training had been taken. Mr England had never had to do this; and
- no objections from the statutory authorities had been received.

In response to questions from the Panel, Mr England explained that before colleagues were allowed to enter the store, they had to complete a two-day training course which would cover fire safety procedures, health and safety and

licencing/Challenge 25 legislation. This was to ensure that staff members fully understood the law before serving customers.

At 10.15am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officer to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

In considering B&M Retail Limited's application for a new Premises Licence for the B&M Store at 697 Station Road, Kenilworth, the Licensing Panel has taken note of all of the written representations made in respect of the application and has listened to all those who have spoken at the Hearing.

In reaching its decision, the Panel took into account Warwick District Council's Statement of Licensing Policy and the statutory guidance issued under section 182 of the Licensing Act 2003.

The Panel noted that the Council had received two objections to the application from local residents who raised concerns that the sale of alcohol at the Premises could lead to an increase in underage drinking, anti-social behaviour related to the consumption of alcohol, littering in residential areas and general public nuisance to local residents. The Panel considered that these concerns were relevant to three of the four Licensing Objectives namely, the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm. The Panel was assured that the steps proposed by the Applicant for the promotion of the Licensing Objectives would adequately address the concerns raised by the two local residents. The Panel also gave weight to the fact that no objections had been raised by the relevant responsible authorities who are considered to be experts in their respective fields.

Having considered the views of all concerned and the steps necessary and proportionate to promote the Licensing Objectives, the Licensing Panel determined to grant the Premises Licence subject to conditions that are consistent with the operating schedule and the applicant's proposed steps for the promotion of the Licensing Objectives, as set out in the application form.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

Cllr Luckhurst (Chair),
Cllr Gorman, and
Cllr Rosu

(The meeting ended at 10.18am)

CHAIRMAN
11 March 2024