

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Tuesday 21 November 2023, at 10.00am.

Present: Councillors Dray, Gorman and Syson.

Also Present: Sue Mullins (Council's Solicitor), Emma Morgan (Licensing Enforcement Officer), Mia Matthews (Committee Services Officer – observing only) and Sophie Vale (Committee Services Officer).

1. **Appointment of Chairman**

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

2. **Substitutes**

There were no substitutions.

3. **Declarations of Interest**

There were no declarations of interest made.

4. **Application for a new Premises Licence under the Licensing Act 2003 for Spinney Hill Fish Bar, 3 The Precinct, Warwick.**

The Panel considered a report from Safer Communities, Leisure and Environment which had received a valid application for a new premises licence at Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR. Representations had been received in relation to this application for the consideration of the Panel in the determination of the application.

Mr Madoo applied for a new premises licence for Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR on 28 September 2023. The premises had been described by the applicant as a fish and chip shop takeaway business with a large waiting area.

The application was for the sale of alcohol on and off the premises. A copy of the relevant part of the application form was attached as Appendix 1 to the report. A table showing out the hours applied for was set out below:

	Sale of Alcohol for the Consumption Off the Premises	Opening Hours
Monday to Saturday	From 10:00 to 23:00	From 07:00 to 23:30
Sunday	From 10:00 to 22:00	From 07:00 to 22:00

The Licensing Department initially received comments to the application from Warwickshire County Council Trading Standards, Warwick District Council Environmental Health, and Warwickshire Police. Following the agreement of conditions with these responsible authorities they withdrew their comments/objections. The conditions agreed, which would form part of any licence if granted were attached as Appendix 2 to the report.

The Licensing Department received one objection from a local resident. This was attached as Appendix 3 to the report.

No representations had been received from:

- 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.

An addendum circulated prior to the meeting advised that on 14 November 2023 the applicant sent additional information to the Licensing Department and requested that this be shared with the Panel. These were attached as Appendix A to the report.

The Chairman asked Members of the Panel and Officers to introduce themselves. The applicant then introduced himself as Mr Arun Harpal Singh Matoo. Mr Matoo's wife then introduced herself as Mrs Sanjot Matoo.

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

In their opening statement, Mr & Mrs Matoo advised that:

- due to the rising costs of supplies (e.g. the cost of gas and electricity had tripled from the cost to the previous owners), they had decided to try to boost sales by applying to sell alcohol in addition to normal fish and chips;
- they had applied for the licence to expand the business to keep their heads above water;
- the cost of bags of potatoes had risen from £7 to £11, and they purchased up to 40 bags a week; and
- having the licence would be a good thing for the community as it would create opportunities for jobs as additional staff would be required for the sale of alcohol.

In response to questions from the Panel the applicant explained that:

- there were currently four members of staff at the shop, including him and Mrs Matoo;
- alcohol would only be served in bottles or cans;
- customers would not be allowed to drink alcohol in the waiting area. Any alcohol ordered would be given to customers at the same time as the food so that they could not drink it whilst waiting;

- reference to the large waiting area in the addendum was just to show where the fridges containing the alcohol would be in relation to the space for customers to queue; and
- they had written a policy to help staff members understand about Challenge 25 and ID checking. He said that there would be staff training and a refusals log, which staff would go through with the Applicant and be shown by the general manager.

In his closing statement, Mr Matoo stated that this application was a way for the business to increase sales in times of rising costs. It presented an opportunity for the business to employ and train two new members of staff. He reiterated that alcohol would not be consumed on site, and that the security cameras around the premises would further deter this. He then explained that the community was important to him so he would be a good licence holder and abide by its conditions.

At 10.15am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officers 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.

At a public hearing on 21st November 2023 Warwick District Council's Licensing Panel considered an application made under the Licensing Act 2003 by Mr Arun Harpal Singh Matoo ("the Applicant") in respect of premises at Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR.

The application was for the use of the premises for the sale of alcohol for consumption off the premises. Representations were initially received from Warwickshire County Council Trading Standards. Following the agreement of conditions with Trading Standards, these representations were withdrawn. The agreed conditions were attached as Appendix 2 to the Officer's Report. An objection was also received from a local resident, attached as Appendix 3 to the Officer's Report.

No representations were received from the Warwickshire Police, the Fire Authority, the Licensing Authority, the Enforcement Agency for Health and Safety, the Authority Responsible for Planning, the National Health Service/Public Health or Environmental Health.

The Applicant sent additional information to be shared with the Panel and this was included in the addendum appendices to the officer report.

The Hearing

The Applicant attended the hearing along with Mrs Sanjot Matoo.

The Licensing Officer presented her report.

Mr & Mrs Matoo addressed the Panel. In summary, they made the following points:

- Due to the rising costs of supplies (e.g. the cost of gas and electricity had tripled from the cost to the previous owners), he had decided to try to boost sales by selling alcohol in addition to normal fish and chips;
- They had applied for the licence to expand the business to keep their heads above water;
- The cost of bags of potatoes had risen from £7 to £11;
- Having the licence would be a good thing for the community as it would create opportunities for jobs as additional staff would be required for the sale of alcohol.

Questions from the Panel

Cllr Syson asked how many staff were employed at moment. Mr Matoo indicated that there were 4 members of staff, including him and his wife.

Cllr Dray asked how the alcohol was being sold – by the glass or by bottle. Mr Matoo said that they would only be serving alcohol in bottles or cans. There would be nothing being served as draught beer or anything like that.

Cllr Gorman asked whether there was a risk that people would be drinking alcohol they had bought in the waiting area. Mr Matoo said that he had included the reference to the large waiting area just to show where the fridges containing the alcohol would be and that there would be space for customers to wait there. He clarified that customers would not be allowed to drink alcohol in the waiting area whilst waiting for food. Mrs Matoo expanded on this to say that the alcohol would be given to the customer at the same time as the food.

Cllr Dray asked about staff training. Mr Matoo said the premises have written a policy to show to staff members so they understand about Challenge 25 and ID. He said that there would be staff training and a refusals log, which staff will go through with the Applicant and be shown by the general manager.

The Applicant and Mrs Matoo thanked the Panel for the opportunity to speak to them. Mr Matoo said that, due to the rising costs for small businesses, this was a way for the business to increase sales. He said that it presented an opportunity for the business to employ another couple of members of staff. Mr Matoo said that there was an Age 25 Policy, a refusals log, and security cameras, as outlined in the supporting documentation. Mr Matoo said that he wouldn't want anything to happen to the community as he

understands how important that is. He said that the licence would be in good hands and that he would make sure to abide by it.

The Decision

In making their decision the Panel considered all the information provided in advance of, and at, the Hearing and the statutory guidance and the Council's Statement of Licensing Policy.

The Panel considered the potential impact on the licensing objectives. The Panel noted that the Applicant had agreed conditions with Warwickshire Trading Standards and that there were no remaining objections from responsible authorities. The Panel also considered the objection to the granting of the licence made by a local resident.

Decision:

The Panel therefore determined that it is appropriate for the promotion of the licensing objectives to grant the application for a premises licence at Spinney Hill Fish Bar, 3 The Precinct, Warwick, CV34 5SR as set out below:
Sale of Alcohol for Consumption Off the Premises
Monday to Saturday 10:00 to 23:00
Sunday – 10:00 to 22:00

As part of the decision to grant the application, the Panel determined that the following conditions should be applied to the premises licence to promote the licensing objectives:

1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
2. Keep a 'challenge log' (refusals book) recording all challenges - where both sales and refusals result (example downloadable refusals book <https://www.businesscompanion.info/sites/default/files/Underage-sales-refusals-log-Nov-2021.docx>)
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits) (examples of posters that could be used can be found here: <https://noidnosale.com/>)
4. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.

Cllr Gorman (Chair)
Cllr Dray
Cllr Syson

21 November 2023

(The meeting ended at 10.23am)

CHAIRMAN
11 March 2024