

		Licensing Panel 25 April 2014	Agenda Item No. 4
Title		Application for the grant of a premises licence under the Licensing Act 2003 for Royal News	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	26.3.2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		Michael Coker
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a new premises licence from Mr Mohammed Rahamani.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

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 Royal News, 42 Bedford Street, Leamington spa, should be approved and, if so, whether the Licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Mr Mohammed Rahamani applied for a premises licence on 17 February 2014. The table below shows what has been applied for.

	Sale of Alcohol for consumption off the premises	Opening Hours of the premises
Monday to Sunday	08:00 to 23:00	06:00 to 00:00

- 3.2 The premises do not currently sell alcohol and therefore would not need a premises licence. Due to there not being a licence at the premises information relating to complaints, incidents or the involvement of Street Marshals can not be gathered.
- 3.3 An operating schedule which has been submitted by the applicant and will form part of any licence issued has been supplied as follows:

General

No sale of alcohol to under 21.
ID has to be shown by customer (Current passport/driving licence etc...)
CCTV on premises at all times.
Ongoing staff training.

The prevention of crime and disorder

CCTV.
Working closely with local police/PCSO's.

Public safety

CCTV.
Liaising with local police and communities.
Relevant insurances (Public liability etc...) in place at all times.
No serving drunks.

Prevention of public nuisance

No sale to drunks.
Alcohol to be drunk off the premises and away from the premises.

Protection of children from harm

No sale of alcohol to children under any circumstance.

Signs put up in shop stating this.

- 3.4 An objection was received from Warwickshire County Council Trading Standards. Following an agreement with the applicant the objection was withdrawn and the following conditions will be added to any licence issued.
1. A 'challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
 2. A 'challenge log' recording all challenges – where both sales and refusals result.
 3. Regular staff training to ensure that both the law and company policies/procedures are understood, up-to-date and applied consistently.
- 3.5 Relevant representations have been received from Warwickshire Police, attached as appendix 1 and Royal Leamington Spa Town Council attached as appendix 2.
- 3.6 There have been no representations received from:
- Fire Authority
 - Enforcement Agency for Health and Safety
 - Authority Responsible for Environmental Health
 - The Licensing Authority
 - Authority Responsible for Planning
 - Authority Responsible for the Protection of Children from Harm
 - National Health Service/Public Health
- 3.7 A plan of the premises submitted by the applicant is attached as appendix 3 and a map of the area of the premises is attached as appendix 4.

4. **POLICY FRAMEWORK**

- 4.1 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**
- 4.2 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 5)
 - 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.

- 4.3 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 the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.4 Details of the procedure adopted by the Licensing Committee for Panel Hearings have 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.

5. **BUDGETARY FRAMEWORK**

- 5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

6. **RISKS**

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 28 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.