



Title	Application for the grant of a premises licence under the Licensing Act 2003 for Orchard Corner Convenience Store, 1-2 Shopping Centre, St Margaret's Road, 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No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	30/05/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	30/05/2012	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 sell alcohol 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 Orchard Corner Convenience Stores, 1-2 Shopping Centre, St Margaret's Road, Leamington Spa should be approved, and, if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

3.1 Mr Lakhmir Singh GAREWAL applied for a premises licence for a Orchard Corner Convenience Stores on the 1st May 2012 to authorise the following activities:

Sale of Alcohol (off sales only)

Sunday to Thursday	06:00 to 23:30
Friday and Saturday	06:00 to 00:00

This was later modified when police conditions were accepted to:

Seven days a week	09:30 to 23:00
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Opening Hours

Sunday to Thursday	06:00 to 23:30
Friday and Saturday	06:00 to 00:00

3.2 An operating schedule which will form part of any licence issued has been supplied. Conditions agreed with the police have been incorporated into the schedule and sale of alcohol hours as follows:

Public Safety

Health and Safety Risk Assessments must be carried out regularly. CCTV must be installed to the current British Standard and must include:

- Cameras must cover all public areas with no blind spots
- Head and facial recognition
- Capable of recording and storing 31 days continuously
- Someone must be on duty when licensable activities take place who is capable of downloading and images upon request by an authorised officer.
- The image quality must be of a minimum of 12 frames per second.
- The system must be signed off by Warwickshire Police Architectural liaison Officer.

A written record of persons authorised to sell alcohol must be maintained and available for inspection by an authorised officer.

A refusal book must be kept and maintained

Prevention of public nuisance

A management policy must be in place to monitor the external areas of the premises and the conduct of the customers.

A notice to customers regarding consideration for neighbours must be displayed in a clear and prominent position.

The premises must join and stay a member of the retail watch schemes.

A strict policy must be in force not to serve drunken customers.

Challenge 25 must be in force.

Protection of children

Challenge 25 must be implemented and staff must be fully trained in its application.

Alcohol must be kept away from childrens confectionary shelves.

Signs must be put on shelves regards to No ID No Sale on alcohol shelves.

Spritis must be kept behind the counter away from children.

- 3.3 A relevant representations against the grant has been received and is shown as Appendix 1
- 3.4 A petition and other letters were received against the grant of a premises licence to these premises, but they were based solely on commercial reasons. This petition and the letters may not be accepted as relevant representations under the Licensing Act 2003.
- 3.5 A maps of the area of the premises are shown as Appendices 2 and 3
- 3.6 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 (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.

- 3.7 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.
- 3.8 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.