



Agenda Item 4

Licensing and Regulatory Panel
9 November 2022

Title: Application for a new Premises Licence under the Licensing Act 2003 for JD Wetherspoon, 18 – 24 The Square, Kenilworth, CV8 1EB

Lead Officer: Emma Dudgeon

Portfolio Holder: Cllr Judith Falp

Public report

Wards of the District directly affected: Kenilworth St Johns

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Head of Service	19/10/2022	Marianne Rolfe
Legal Services	19/10/2022	Ross Chambers

1. Summary

Warwick District Council Licensing Authority has received a valid application for a new premises licence for JD Wetherspoon, 18 – 24 The Square, Kenilworth, CV8 1EB. Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. Options available to the Panel

Members are asked to consider the information contained in this report and decide whether the application for a new premises licence at JD Wetherspoon, 18 – 24 The Square, Kenilworth, should be granted and, if so, whether the licence should be subject to any additional conditions. The following options are available to members:

Option 1 – Grant the application as requested;

Option 2 – Grant the application with amended hours and/or added conditions, or;

Option 3 – Refuse the application.

3. Details for Consideration

3.1 When considering the application the panel must also 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 7)
- 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 must only consider those licensing objectives which have been referred to in the representations received.

3.2 The Council's Statement of Licensing Policy 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.

- 3.3 Details of the procedure adopted by the Licensing and Regulatory 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.
- 3.4 JD Wetherspoon PLC applied for a new premises licence for JD Wetherspoon, 18 – 24 The Square, Kenilworth, CV8 1EB on 15 September 2022. The premises are currently not trading.
- 3.5 The application is for the sale of alcohol for consumption on and off the premises and late night refreshment. A copy of the relevant part of the application form is attached as appendix 1.
- 3.6 The Licensing Department initially received comments to the application from Environmental Health Officer Mr Lawson, this was followed up by an objection from Ms Walsham also from Environmental Health. The comments and objection received from Environmental Health are attached as appendix 2. The Licensing Department also received an objection from a resident attached as appendix 3.
- 3.7 Trading Standards made comments in relation to the application, requesting a challenge 25 scheme be implemented. However, following the agreement of conditions between the applicant and Warwickshire Police, Trading Standards withdrew their comments. The conditions agreed with Warwickshire Police are attached as appendix 4.
- 3.8 No representations have been received from:
- Fire Authority
 - The Licensing Authority
 - Enforcement Agency for Health and Safety
 - Authority Responsible for Planning
 - National Health Service/Public Health
- 3.9 A plan showing the location of the premises is attached as appendix 5 along with the current plan of the internal layout. Photographs of the premises are attached as appendix 6.

4. Legal Comments

- 4.1 The Council's Statement of Licensing Policy 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 to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.2 Restrictions may be required as licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.
- 4.3 There is also an expectation in the Policy that premises selling alcohol will be properly managed in accordance with the Act and operate in a way that promotes the prevention of crime and disorder and that, where alcohol is

being sold, premises licence holders will operate a recognised Age Verification Scheme.

- 4.4 Details of the procedure adopted by the Licensing and Regulatory 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.
- 4.5 All parties to the Hearing will be notified of the decision of the panel in writing within five working days of the conclusion of the hearing.
- 4.6 Any party aggrieved by a decision taken by the panel may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 4.7 The decision should take place in accordance with the agreed procedure.

5. Policy Framework

5.1. Fit for the Future (FFF)

- 5.1.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.
- 5.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

5.2 FFF Strands

5.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

5.3 Internal impacts of the proposal(s)

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.