

 <b>Licensing &amp; Regulatory Committee</b> <b>8 March 2018</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for the variation of a premises licence issued under the Licensing Act 2003 for Shell, 178 Warwick Road, Kenilworth	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	26.2.2018	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

## 1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for the variation of the premises licence for Shell, 178 Warwick Road, Kenilworth.
- 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 variation of the premises licence at Shell, 178 Warwick Road, Kenilworth, should be granted and, if so, whether the licence should be subject to any conditions.
- 2.2 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 37)
  - 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.

- 2.3 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.
- 2.5 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.

## 3. **Reasons for the Recommendation**

- 3.1 Motor Fuel Limited applied for the variation of the premises licence for Shell, 178 Warwick Road, Kenilworth on 29 January 2018. The premise is a Petrol Station with convenience store. The variation is to extend the hours for alcohol sales, opening hours and the addition of late night refreshment. The hours applied for are set out in the table below. Plans submitted with the application are attached as appendix 1.

	Opening Hours	Sale of Alcohol for Consumption Off the premises	Late Night Refreshment (Restricted to hot drinks only)
Monday to Sunday	00:00 to 24:00	00:00 to 24:00	23:00 to 05:00

- 3.4 The premises has been licenced with Warwick District Council since august 2014. Details of the current licence are set out below.

	Opening Hours	Sale of Alcohol for Consumption Off the premises
Monday to Sunday	07:00 to 22:30	07:00 to 22:30

- 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*

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refreshing training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

Spirits will be located behind the counter.

*Prevention of Crime and Disorder*

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

*Public Safety*

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

CCTV must be installed to the current British Standard, record at all times when licensable activities take place, and must include:

- Camera's must cover entrance and service till.
- Head and facial recognition.
- Capable of recording and storing images for 30 days continuously.
- Images will be made available to an authorised officer as soon as reasonably possible or within any event within 24 hours of the request being made.
- 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.

*Prevention of Public Nuisance*

Useable waste bins provided on the forecourt.

### *Protection of Children*

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

3.4 The Licensing Department has received a representation from Warwickshire Police attached as appendix 2, Warwick District Council Environmental Health attached as appendix 3, and 29 residents attached as appendices 4 to 34.

3.6 No representations have been received from:

- Fire Authority
- Body responsible for the protection of children from harm
- Trading Standards
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health

3.7 A map of the area is attached as appendix 35 and photographs of the area are attached as appendix 36.

## 4. **Policy Framework**

### 4.1 **Fit for the Future (FFF)**

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. This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels

<b>Impacts of Proposal</b>		
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.	None	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.

<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
None	None	None

## 4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

## 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 21 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.