

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Thursday 20 November 2014, at the Town Hall, Royal Leamington Spa at 2.00 pm.

Present: Councillors Ms De-Lara-Bond, Illingworth and Mrs Knight.

Also Present: Caroline Gutteridge (Council's Solicitor), Graham Leach (Democratic Services Officer & Deputy Monitoring Officer) and Rachael Russell (Licensing Enforcement Officer).

1. **Substitutes**

Councillor Ms De-Lara-Bond substituted for Councillor Guest.

2. **Appointment of Chairman**

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

3. **Declarations of Interest**

Minute – 4 Application for a premises licence under the Licensing Act 2003 for Alfie Booze Plus, 92 Priory Road, Kenilworth.

Councillor Illingworth informed the meeting that the application was in his Ward but knew none of the relevant parties.

The Democratic Services Manager & Deputy Monitoring Officer informed the meeting that he knew two of the objectors but that as he was present to record the meeting it did not affect him being present at the meeting.

4. **Application for a premises licence under the Licensing Act 2003 for Alfie Booze Plus, 92 Priory Road, Kenilworth**

The Panel considered a report from Community Protection which sought a decision on an application from Mrs M Kaur, for a premises licence for Alfie Booze Plus, 92 Priory Road, Kenilworth.

The Chair, members of the Panel and officers introduced themselves. The other parties then introduced themselves as Mrs Kaur (the applicant), Mr Manak (the applicant's representative), Mr Singh the owner and Mr Griffin (Objector).

The Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, and to determine if the application for a variation to the premises licence should be approved.

The application before the Panel was for the licence to permit the sale of alcohol for consumption off the premises every day from 09:00 to 23:00.

An operating schedule was in place at the premises along with a number of conditions which formed part of the current licence. No amendments or additions to the operating schedule had been submitted by the applicant in relation to the variation of the licence. The operating schedule was detailed in section 3.2 of the report.

The report advised that representations were received from both Trading Standards and Warwickshire Police. However the applicant had agreed conditions with the two authorities. These were detailed in paragraph 3.3 of the report and would form part of any licence if the application was approved.

Representations had been received from three other people and these were set out at appendices 1 to 3 of the report.

The applicant's representative, Mr Manke, addressed the Panel and explained that the application had been made with a view to expanding the current business in Coventry. Mrs Kaur had held a personal licence for over 13 years without endorsement or complaint. There had also been no complaints made about the operation of the other off licence.

It was highlighted that the applicant had agreed suitable conditions with the responsible authorities and that these would be adhered to ensure the licensing objectives were maintained.

In response to questions from the Panel it was explained that:

- the conditions had been agreed as outlined in paragraphs 3.3.1 to 3.3.7;
- the application was only for the area in bold in Appendix 4 and that the business was completely separate to the premises at 94 Priory Road;
- there would be no direct access for customers from 94 Priory Road to 92 Priory Road;
- there would be some light grocery sales at the premises but primarily the premises would be an off licence; and
- the premises would be laid out as per the plans submitted in Appendix 4, with the majority of goods being behind a counter only accessible by staff.

Mr Griffin outlined his objection explaining his concerns regarding the locality of the premises because of the significant number of young people who passed the store on the way to school, its close relationship to other stores, its proximity to a secluded alleyway and that the area was largely residential in nature.

There were no questions for Mr Griffin from either the Panel or the applicant.

Mr Manak summed up the application re-emphasising his earlier representation.

At 2.26pm the Chair asked all parties other than the Panel, the Council's Solicitor and the Democratic Services Manager, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Resolved that having considered the application, officer's report and representations, along with those made to the Panel at the meeting, the Panel has decided to grant the application. The Panel would like to emphasise that the licence will only relate to number 92 and alcohol cannot therefore be supplied from or through the fish and chip shop at number 94.

In making its decision the Panel has taken into account the licensing objectives – in particular the prevention of public nuisance and the protection of children from harm.

In terms of the protection of children from harm and the concerns about the premises being en route to the local secondary school the Panel is satisfied that the conditions, in particular the challenge 25 age verification policy, a log to record all challenges, a prompt at the point of sale and regular staff training will be sufficient

The Panel do not believe that the sale of alcohol in the manner described will result in public nuisance. The Panel was reassured by the experience and history of the DPS and would remind all parties of the mechanisms available for review of the licence.

At 2.47pm all parties were invited back into the room, at which time the Council's solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal the decision within 21 days of the formal decision being published.

(The meeting ended at 2.50pm)