

 Licensing & Regulatory Panel 25 August 2020		Agenda Item No. 3
Title	Application for a Premises Licence under the Licensing Act 2003 for Deli on the Hill, 36 Castle Hill, Kenilworth, CV8 1NB	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
District Ward the Application is in	Kenilworth Abbey and Arden	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005 Deregulation Act 2015	

Officer/Councillor Approval		
Officer Approval	Date	Name
Democratic Services Manager & Deputy Monitoring Officer	13/8/2020	Graham Leach
Head of Service	13/8/2020	Marianne Rolfe
Consultation & Community Engagement		
The application was duly submitted and processed as required by the regulations.		

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid premises licence application for Deli on the Hill, 36 Castle Hill, Kenilworth, CV8 1NB.
- 1.2 Representations have been received in relation to the application for the consideration of the panel in the determination of the application.

2. Options Available to the Panel

- 2.1 Members are asked to consider the information contained in this report and decide whether the application from Mr Daniel Taylor for Deli on the Hill, 36 Castle Hill, 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's 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 13)
 - 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 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.
- 3.3 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.
- 3.4 Mr Daniel Taylor applied for a new premises licence at Deli on the Hill, 36 Castle Hill, Kenilworth on 14 July 2020.
- 3.5 The premise is described by the applicant as a small coffee shop/sandwich shop which supplies dine in and take-away food. The premises consist of two rooms with tables and chairs. The licensable hours and activities applied for by the applicant along with the operating schedule which will form part of any licence issued are shown in appendix 1.
- 3.6 Warwickshire Police and Warwickshire County Council Trading Standards have agreed conditions with the applicant and have subsequently withdrawn their representations. The conditions agreed will form part of any licence issued and are as follows:
- 1. A 'challenge log' (refusals book) recording all challenges – where both sales and refusals result. The refusals book to be made available for inspection on reasonable request from responsible authority.
 - 2. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits).
 - 3. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.
 - 4. Alcohol to be tabled served by waiter/waitress service at all times.

5. Alcohol only to be supplied to those persons partaking of a table meal or waiting to be seated.
6. CCTV to be installed and the premises licence holder must ensure that :-
 - a. CCTV cameras are located within the premises to cover all public areas.
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
 - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - f. Downloads will be provided to the Police upon reasonable request in line with the GDPR
 - g. Signed off by Warwickshire Design Out Crime officer
7. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.

3.7 The Licensing Department have received seven objections and a representation in support of the application from interested parties. These are attached as appendices 2 to 9. Under the Licensing Act 2003 if representations are received in relation to an application a hearing must be held to consider the representations.

3.8 No representations have been received from:

- Environmental Health
- Fire Authority
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

3.9 A plan of the premises is attached as appendix 10. A map of the area is attached as appendix 11 and photographs of the premises are attached as appendix 12.

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.

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.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<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> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District Council are as close to zero as possible by 2030 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
Impacts of Proposal		
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.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<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
Impacts of Proposal		
None	None	None