

 Licensing & Regulatory Committee 6 June 2018		Agenda Item No. 3
Title	Application for a variation of a premises licence issued under the Licensing Act 2003 for Royal News, 42 Bedford Street, Leamington Spa, CV32 5DY	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	25.5.2018	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 a variation of a premises licence for Royal News, 42 Bedford Street, Leamington Spa, CV32 5DY.
- 1.2 A Representation has 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 variation application for Royal News, 42 Bedford Street, Leamington Spa, 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 5)
 - 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.
- 2.4 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 Mr Uniss Ali Mohamed applied for a variation of a premises licence for Royal News, 42 Bedford Street, Leamington Spa on 25 April 2018. The premises operate as a newsagent and off licence. The application is for the extension of the hours the premises may sell alcohol for the consumption off the premises to fall in line with the current opening hours. A copy of the current premises

licence is attached as appendix 1 and details of the variation are set out in the table below.

	Current hours: Sale of Alcohol for consumption off the premises	Hours applied for under variation: Sale of Alcohol for consumption off the premises
Monday to Sunday	06:00 22:00	06:00 to 00:00

- 3.2 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

General

The premises, which opens from 6am to midnight, has demonstrated its ability to promote the licensing objectives and does not negatively impact on their promotion. The existing conditions of the premises licence (set out below) promote the licensing objectives and no additional steps are required other than to apply these steps throughout the additional hours.

1. 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 31 days continuously.
Someone must be on duty when licensable activities take place who is capable of downloading images upon request by an authorised officer.
The image quality must be a minimum of 12 frames per second.
The system must be signed off by Warwickshire Police Architectural Liaison Officer.
2. A written record will be kept at the premises of all persons who are authorised to sell alcohol, all staff training records will be maintained and updated.
3. A log/incident book will be maintained of any incidents that occur and made available on reasonable request from a responsible authority.
4. All persons authorised to sell alcohol will complete an underage sales training programme which includes a written test to verify his or her competency. This record will be available to the Police or authorised officers of Warwick District Council.
5. All alcohol must be sold within carrier bags or similar to prevent alcohol to be openly carried in public streets.

ID has to be shown by customer (current passport/driving licence etc.)
Ongoing staff training.

Prevention of Crime and Disorder

Working closely with local police/PCSO's.

Public Safety

Liaising with local police and communities.

Relevant insurances (Public liability etc) in place at all times
No serving drunks.

Prevention of Public Nuisance

No sale to drunks

Alcohol to be consumed off the premises and away from the premises.

Protection of Children

No sale of alcohol to children under any circumstance. Signs put up in shop stating this.

A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.

A 'Challenge log' recording challenges - where both sales and refusals result. Regular staff training to ensure that both the law and company policies/procedures are understood, up-to-date and applied consistently.

3.3 The Licensing Department has received a representation from Warwickshire Police. This representation is attached as appendix 2.

3.5 No representations have been received from:

- Environmental Health
- Fire Authority
- Trading Standards
- Environmental Health
- 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

3.6 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

3.6 A map of the area is attached as appendix 3 and photographs of the area are attached as appendix 4.

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.

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> 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

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.