

 Licensing & Regulatory Committee 20 November 2014		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for Alfie Booze Plus, 92 Priory Road, Kenilworth.	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 and Sustainability Impact Assessment Undertaken	No

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

1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Mr Manjinder Kaur.
- 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 a premises licence for Alfie Booze Plus, 92 Priory Road, Kenilworth, should be approved and, if so, whether the Licence should be subject to any conditions.

3. THE APPLICATION

- 3.1 Mr Kaur applied for a premises licence on 29 September 2014. The licensable activities requested are set out in the table below:

	Supply of alcohol for consumption off the premises	Opening Hours
Everyday	09:00 to 23:00	9:00 to 23:00

- 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

- 1. Installation of CCTV and keep operational.
- 2. Training to staff on licensing issues.
- 3. Having personal licence holder on the premises at all the time of trading.
- 4. None slip on level floors.

The prevention of crime and disorder

- 1. Good lighting and visibility in public areas.
- 2. CCTV in operation all the time.

Public safety

- 1. Provision of emergency lighting, fire doors and signs to all the escape routes.
- 2. Firefighting equipment in place and regularly tested.

Prevention of public nuisance

- 1. Make CCTV in operation signs visible.
- 2. No music in the shop.
- 3. Friendly and fast service to customers.

The protection of children from harm

- 1. Staff training how to deal with children.
- 2. Children would not be allowed to serve with alcohol.
- 3. Staff must check identification for the confirmation of age.

- 3.3 Representations were received from Warwickshire Police and Trading Standards, however, conditions have been agreed and therefore these representations have been withdrawn. The conditions agreed with Warwickshire Police and Trading Standards will form part of any licence issued and are set out below:
1. CCTV shall be installed to the current British Standard BS7858. This consist of:
 - Cameras shall cover all public areas.
 - Head and facial recognition coverage.
 - Recordable and retained for minimum of 28 days.
 - CCTV images to be made available to Police or Local Authority upon reasonable request.
 - Images will record in real time, ideally 25 frames per second but a minimum of 12 frames per second.
 - Signed off by Warwickshire Police Architectural Liaison Officer.
 2. All staff training will be documented and recorded and made available for inspection on reasonable request of any of the responsible authorities.
 3. Identifiable bags and or marked up price tags on alcohol sold.
 4. A 'Challenge 25' age verification policy requiring proof of age by passport, photo, driving licence or PASS accredited card.
 5. A 'challenge log' recording all challenges – where both sales and refusals result.
 6. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made.
 7. Regular staff training to ensure that both the law and company policies/procedures are understood, up to date and applied consistently.
- 3.4 Representations have been received from three other persons. These objections are attached as appendices 1 to 3.
- 3.5 There have been no representations received from:
- Fire Authority
 - Enforcement Agency for Health and Safety.
 - Environmental Health
 - The Licensing Authority
 - Authority Responsible for Planning
 - National Health Service/Public Health
 - Body responsible for the protection of children from harm
- 3.6 There are currently no licensable activities taking place at the premises and therefore there is no evidence in relation to licensing which can be detailed in the report.
- 3.7 A plan of the premises submitted by the applicant is attached as appendix 4 and a map of the area of the premises is attached as appendix 5.

4. POLICY FRAMEWORK

4.1 When considering the application the panel must 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 6)
- 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.

4.3 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.

4.4 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.

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.