

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 14 June 2012, at the Town Hall, Royal Leamington Spa at 10.00 am.

PANEL MEMBERS: Councillors Gill, Vincett and Wilkinson.

ALSO PRESENT: David Davies (Licensing Services Manager), Peter Dixon (Committee Services Officer), Brenda Hoof (Committee Services) and Max Howarth (Council's Solicitor).

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Wilkinson be appointed as Chair for the hearing.

The Chair introduced himself, other members of the Panel and Officers, and asked the other parties to introduce themselves.

Mr Whale (Harvey Ingram Solicitors) presented the application on behalf of the applicant and was accompanied by Mr Cooper-Bevan (Midlands Co-operative Society).

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR MIDLANDS CO-OPERATIVE SOCIETY LIMITED, DEANS WAY, WARWICK

The Council's Solicitor ran through the procedure which the hearing would follow.

A report from Community Protection was submitted which sought a decision on an application by the Midlands Co-operative Society Limited for a premises licence for a shop at Deans Way, Warwick.

The Licensing Services Manager 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 premises licence should be approved.

The report referred to those matters to which the Panel had to give consideration, the statutory guidance issued by the Secretary of State, the Council's Licensing Policy Statement and the Licensing objectives.

The report from Community Protection, which was submitted to the Panel, presented an application to permit the sale of alcohol (off sales only) from 07:00 to 22:00 seven days a week, with opening hours from 07:00 to 22:00 seven days a week.

LICENSING PANEL HEARING MINUTES (Continued)

An operating schedule, which would form part of any licence issued, was also submitted to the Panel. The operating schedule explained steps the applicant proposed to take to promote the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children.

Representations against the application had been received in the form of a petition, but it was unclear whether the petitioners were against the application for commercial reasons or because of the premises' proximity to a school.

The Council's Licensing Policy Statement provided that the Authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licences, where necessary, in order to ensure compliance with the four licensing objectives. Each application would be judged on its individual merits.

All parties present confirmed their satisfaction with the content of the report. Councillor Vincett asked for clarification regarding one of the conditions, which specified that CCTV should be installed, but did not add anything about the CCTV being operational, or when. The Panel and applicants acknowledged this and recognised the need to reword the condition so that it was more explicit.

Mr Whale presented an application for a new convenience store for the Midlands Co-operative Society. He suggested that the Society was a credible applicant, which already employed some 780 personal licence holders and over 7000 members of staff. The new store would require between 20 and 30 new full and part-time members of staff, all of whom would be trained to the Society's standard. Copies of the Society's training policy had been circulated to members of the Panel.

With regard to the representations made to the Panel, Mr Whale felt that the first part was irrelevant as it was concerned primarily with commercial considerations. The second part was an argument that the licence should not be granted because there was a school close by. While the applicant sympathised with such concerns, this was not considered to be an acceptable representation, as the premises would not be an "on-licensing" establishment – where people bought and consumed alcohol on the premises – and there was no history of the premises providing alcohol to minors. Furthermore, the Society had a strict training policy to avoid this, would install CCTV and security, and was a well-operated business which, given its record, was highly unlikely to create a problem.

Responding to questions from the Panel, Mr Cooper-Bevan confirmed that recordings would be kept for 31 days. Mr Whale stated that normally there would be at least 2 personal licence holders appointed to each store, with one of those named as the Designated Premises Supervisor (DPS). It was conceivable that a DPS would have a deputy who might not be a personal licence holder, but such a person would still be trained to an appropriate level. Mr Whale acknowledged that clearly in some parts of the country there was an issue with adults providing alcohol to minors, but with CCTV outside the premises the Society would hopefully be able to pick up on any issues in the immediate vicinity and assist the police in crime prevention.

LICENSING PANEL HEARING MINUTES (Continued)

With regard to the layout and security of the store, Mr Cooper-Bevan advised the Panel that security staff were employed within new stores for around 6 weeks, to assess how well stores worked and whether any further security was necessary. Alcohol was almost always located at one of the points furthest away from the entrance and in close proximity to the till operators. Store-specific risk assessments were carried out at least annually, with a specific element reviewed weekly. Any incidents which arose or potential problems which were identified were dealt with immediately.

Mr Whale pointed out that most stores tried to keep store opening hours the same as licensing hours, to prevent any confusion with the various store staff and the public, and in line with current government guidance.

The Chair asked the applicant, his representative and the licensing manager to leave the room at 10.25 am, to enable the Panel to deliberate and reach its decision.

Having considered the application before them and having heard the representations made, the Panel did not feel that there would be any detrimental effect on the Licensing Objectives.

It was therefore agreed that the licence should be granted, subject to the condition addressing CCTV being made more robust.

RESOLVED to grant the licence in accordance with the report, subject to an amendment to the condition relating to CCTV to read "CCTV must be installed to the current British standard, record at all times when licensable activities take place", the remainder of the condition shall be as stated in the report.

All parties were invited back in to the room so they could be informed of the decision, which was read out by the Council's solicitor.

(The meeting finished at 10.30 am)