

Title: Application for a Premises Licence under the Licensing Act 2003 for Golden Wines & Spirits, 109 Warwick Street, Leamington Spa, CV32 4QZ

Lead Officer: Emma Dudgeon

Portfolio Holder: Judy Falp

Public report

Wards of the District directly affected: Leamington Clarendon

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Head of Service	12/4/2021	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	13/4/2021	Graham Leach

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid premises licence variation application for Golden Wines & Spirits, 109 Warwick Street, Leamington Spa, CV32 4QZ. Representations have been received in relation to this 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 for a variation of the premises licence at Golden Wines & Spirits, 109 Warwick Street, Leamington Spa, CV32 4QZ 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 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 7)
 - 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 Statement of Licensing Policy 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 and Regulatory 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 Vengadasalam Giritharan applied for a variation of the premises licence at Golden Wine & Spirits on 15 March 2021. A copy of the current premises licence is attached as appendix 1.
- 3.5 The licensable hours applied for by Mr Giritharan are detailed below.

Opening Hours of the premises:
Monday to Sunday from 09:00 to 04:00

Supply of Alcohol for Consumption Off the Premises:
Friday and Saturday from 09:00 to 04:00

An amendment of the operating schedule, which has been submitted by the applicants and will form part of any licence issued is attached as appendix 2.

- 3.6 The Licensing Department received a representation from Warwickshire County Council Safeguarding. Following the agreement of two conditions they subsequently withdrew their representations. These conditions are:
1. Children under 16 must be accompanied by an adult after 21:00 hours.
 2. No children under 16 permitted on the premises after 23:00 hours.
- 3.7 The Licensing Department has received an objection from Warwickshire Police attached as appendix 3 and Environmental Health, attached as appendix 4.
- 3.8 No representations have been received from:
- Fire Authority
 - The Licensing Authority
 - Enforcement Agency for Health and Safety
 - Authority Responsible for Planning
 - National Health Service/Public Health
- 3.9 A plan of the area is attached as appendix 5 and photographs of the premises are attached as appendix 6.

4. Policy Framework

4.1. Fit for the Future (FFF)

- 4.1.1. 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.

4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. **FFF Strands**

4.2.1 **External impacts of proposal(s)**

People - Health, Homes, Communities - 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.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - 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.

4.2.2. **Internal impacts of the proposal(s)**

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.