

 <b>Licensing &amp; Regulatory Committee</b> <b>26 August 2015</b>		<b>Agenda Item No. 3</b>
<b>Title</b>	Application for a variation of a premises licence under the Licensing Act 2003 for Orchard Corner Convenience Store, 1-2 The Shopping Centre, St Margaret's Road, Whitnash.	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	Yes	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality and Sustainability Impact Assessment Undertaken</b>	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)		Moira-Ann Grainger
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 variation of a premises licence from Mr Lakhmir Singh Garewal.
- 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 variation of the premises licence for Orchard Corner Convenience Store should be approved and, if so, whether the licence should be subject to any conditions.

## 3. THE APPLICATION

- 3.1 Mr Garewal applied for a variation of the premises licence on 6 July 2015. The application is to request the extension of the hours the premises are able to sell alcohol for consumption off the premises only. A table showing the variation to the hours is shown below.

	Sale of Alcohol for Consumption off the premises	Opening hours
Current licence	Every day from 09.30 to 23:00	Sunday to Thursday from 06:00 to 23:30  Friday and Saturday from 06:00 to 00:00
Variation application	Every day from 07:00 to 23:00	No change

- 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**

Follow licensing laws on very strict leases.

No Id no sale.

Stick to the licensing times (hours).

No sales to customers who already have had too much to drink.

We make sure no one passes the drinks over to underage children.

No sales to the troublemakers.

### **The prevention of crime and disorder**

We have fully operational CCTV system with 14 cameras that covers inside and outside of the premises.

We are a small family business and follow all the licensing rules on very strict leases.

We think the whole area knows now that we follow the rules very strictly.

## **Public Safety**

Health and Safety Risk Assessments must be carried out regularly.

CCTV must be installed and used. It must be compliant with the current British standard and must include:

Cameras must cover all public areas with no blind spots.

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 of a minimum of 12 frames per second.

The system must be signed off by Warwickshire Police Architectural Liaison Officer.

A written record of persons authorised to sell alcohol must be maintained and available for inspection.

A refusal book must be kept and maintained.

Customers usually buy their wine and spirits and take them home.

We keep an eye on outside the premises and make sure no drinking in the forecourt or the car park.

## **The prevention of public nuisance**

A management policy must be in place to monitor the external areas of the premises and the conduct of the customers.

A notice to customers regarding consideration for neighbours must be displayed in a clear and prominent position.

The premises must join and stay a member of the retail watch schemes.

A strict policy must be in force not to serve drunken customers.

Challenge 25 must be in force.

Because we follow the rules on strict and firm leases, all our customers know that we do not stand for any nuisance. We totally refuse to serve who appears to be under the influence of drink or drugs. We always watch out that no one passes any drinks or cigarettes to the children.

## **The protection of children from harm**

Challenge 25 must be implemented and staff must be fully trained in its application.

Alcohol must be kept away from children's confectionary shelves.

Signs must be put on shelves regarding No ID No Sale on alcohol shelves.

Spirits must be kept behind the counter away from children.

We have been in these premises for over four years now. We have never had cause for any concern. All the alcohol, wines, beers and spirits are kept and displayed away from the day to day products.

We are fully alarmed with extensive CCTV system and never sell any of these products to underage and watch out that no one passes drinks to underage children.

- 3.3 Representations have been received from six residents and one business in the vicinity of the premises. Objections from residents are attached as appendices 1 to 6 and the objection from the business is attached as appendix 7. One resident requested that their details be kept private from the public and therefore their details have been redacted.

3.4 There have been no representations received from:

- Warwickshire Police
- Fire Authority
- Enforcement Agency for Health and Safety.
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health
- Body responsible for the protection of children from harm
- Authority responsible for Environmental Health

3.5 The premises currently hold a premises licence with Warwick District Council and the licensing department has no record of any complaints being received in relation to the premises.

3.6 A map of the area of the premises is attached as appendix 8 and a plan of the internal area of the premises submitted by the applicant is attached as appendix 9.

#### 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 10)
- 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.

4.2 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.

4.3 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.

#### 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.