

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Thursday 27 July 2023, at 10.00am.

Present: Councillors C Gifford, Luckhurst, and Syson.

Also Present: Sue Mullins (Council's Solicitor), Emma Morgan (Licensing Enforcement Officer), Jack Henson (Licensing Enforcement Officer – observing only) and Sophie Vale (Committee Services Officer).

1. Appointment of Chairman

Resolved that Councillor Gifford be appointed as Chairman for the hearing.

2. Substitutes

There were no substitutions.

3. Declarations of Interest

Cllr Syson announced that 10 years ago she had been involved in an organisation which was linked to extra care housing such as Queensway Court, but this was not a conflict of interest.

4. Application for a new Premises Licence under the Licensing Act 2003 for Grande Venezia Ltd, Queensway Court, Queensway, Royal Leamington Spa, CV31 3JZ

The Panel considered a report from Safer Communities, Leisure and Environment which had received a valid application for a new premises licence at Grande Venezia Ltd, Queensway Court, Queensway, Royal Leamington Spa, CV31 3JZ. Representations had been received in relation to this application for the consideration of the Panel in the determination of the application.

Grande Venezia Ltd applied for a new premises licence for Queensway Court, Queensway, Royal Leamington Spa, CV31 3JZ on 1 June 2023. The premises had been described by the applicant as a coffee shop and restaurant with a terrace.

The application was for the sale of alcohol on the premises. A copy of the relevant part of the application form was attached as Appendix 1 to the report.

The Licensing Department initially received comments to the application from Warwickshire County Council Trading Standards, Warwick District Council Environmental Health and Warwickshire Police. Following the agreement of conditions with these Responsible Authorities they withdrew their comments/objections. The conditions agreed, which would form part of any licence if granted were attached as Appendix 2 to the report.

The Licensing Department received eight objections from local residents. These were attached as Appendices 3 to 10 to the report.

No representations had been received from:

- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health

A plan showing the location of the premises was attached as Appendix 11 to the report along with the current plan of the internal layout. Photographs of the premises were attached as Appendix 12 to the report.

An addendum circulated prior to the meeting advised that:

On 14 July 2023 the Licensing Department received further comments from two of the objectors, Mr and Mrs Mindham, in relation to conditions they would like the Panel to consider at the Hearing due to take place on 27 July 2023. A further two objectors submitted similar conditions for the consideration of the Panel.

Following receipt, the Licensing Officer sent these conditions to the applicant. The Applicant subsequently agreed to all conditions put forward. A copy of the email confirming the conditions agreed were attached as Appendix A to the report. An email detailing all these conditions was also sent to all the objectors attached as Appendix B to this report.

Following the Applicant's agreement to the proposed conditions, Mr and Mrs Mindham withdrew their objection, shown as Appendix 7 in the original report. Objections from Mr and Mrs Plummer and Mrs German and Mrs Roberts were also withdrawn, shown as Appendices 9 and 10 and in the original report.

The comments for the Panel's consideration received from an objector whose details could not be shared and Mr Jones were attached to the report as Appendices C and D. These objectors had not withdrawn their representations.

The Applicant had also submitted some further photos and an amended plan showing the relocation of the bar into the restaurant following the agreement to conditions. The area outlined in red would also be the revised licensable area. These were attached as Appendix E to the report.

The Chairman asked Members of the Panel and Officers to introduce themselves. The applicant then introduced himself as Mr Liviu Vladulescu.

(The meeting was adjourned at 10.09am due to technical difficulties but resumed at 10.13am.)

The Council's Solicitor announced the procedure for the meeting. At the Chairman's request, the Licensing Enforcement Officer introduced the report.

In response to questions from Members, the Licensing Enforcement Officer explained that:

- there were conditions in the report and also additional ones contained within the addendum; and
- the photos contained within the addendum were the most recent photos of the premises.

In his opening statement, Mr Vladulescu advised that:

- he was applying for the licence to sell alcohol, mostly to people who were not resident at Queensway Court. He was expecting customers to walk to the premises;
- customers could make bookings online via email or social media, and then they would be able to access the premises by pressing a button on the outside of the area and the people at the bar would then open the gate for customers to enter;
- stickers would be placed on the walls reminding customers to respect privacy and that the premises were in a residential area;
- he would not permit customers to go outside the restaurant with glasses of beer/ wine etc. The licence was for use only in the restaurant and customers would not be allowed to sit in the coffee shop area with alcohol;
- alcohol would only be served in the restaurant and only in connection with a meal. There was no intention for the premises to become a bar;
- regarding public safety, he would be at the premises all the time to make sure nothing happened. Customers would not have access to the terrace and no customers would be outside the building; and
- any customer wanting to smoke would be required to walk out onto the street as there was no designated smoking area on the premises.

In response to questions from the Panel the applicant explained that:

- at the moment he was serving breakfast, lunch, and coffee to residents. It was usually 10 to 20 people per day. He did not currently serve dinner to residents as they retired to their rooms early;
- he had introduced an alternative menu for residents to keep it varied for them. He had been cooking some English dishes such as Shepherd's pie for them;
- he had some customers from outside who had come for the Italian food and drink. They had not asked for alcohol because they knew the premises were not licensed;
- he knew the residents who came into the restaurant and if he had concerns about residents asking for alcohol, he would speak to the manager at Queensway Court before he sold it to them;
- there had not been any problems and he did not expect to have any problems with residents or customers coming from outside;
- the hours now proposed for the sale of alcohol were between 12.00pm and 2.30pm and then 6.00pm to 8.30pm, with the premises closing at 9.00pm; and
- nobody would be in the restaurant beyond 9.00pm.

In further responses to questions from Members, the applicant, Mr Vladulescu advised that he had been a licensee since 2018.

In his closing statement, Mr Vladulescu stated that he would endeavour to mitigate any problems that might arise and would adhere to the Licensing Objectives as set out in the report. He knew the residents of Queensway Court well and knew that many of them would enjoy seeing new faces around the place.

At 10.30am the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officer to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

In making their decision the Panel considered all the information provided in advance of, and at, the Hearing, the statutory guidance and the Council's Statement of Licensing Policy.

The Panel considered the potential impact on the licensing objectives and the conditions proposed to address the concerns raised, which had been agreed between the Applicant and the Responsible Authorities and which had resulted in a number of the objections being withdrawn.

The Panel noted the potential vulnerabilities of the residents of Queensway Court and were reassured that the Applicant was also mindful of these.

The Panel therefore determined that it is appropriate for the promotion of the licensing objectives to grant the application for a premises licence at Queensway Court, Queensway, Royal Leamington Spa, CV31 3JZ as set out below:

Sale of Alcohol for Consumption On the Premises
Monday to Sunday from 12:00 to 14:30 and from 18:00 to 20:30.

As part of the decision to grant the application, the Panel determined that the following conditions should be applied to the premises licence to promote the licensing objectives:

1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card shall be adopted and implemented.
2. Photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
3. A 'challenge log' (refusals book) shall be maintained and made available for inspection by a responsible authority on reasonable request, recording all challenges - where both sales and refusals result (example downloadable refusals book <https://www.businesscompanion.info/sites/default/files/Underage-sales-refusals-log-Nov-2021.docx>).
4. There shall be a prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS – Electronic Point of Sale – system till prompt or if not then

- written notices/stickers at the till point showing age limits) (examples of posters that could be used can be found here: <https://noidnosale.com/>).
5. Regular staff training shall be carried out to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.
 6. Prominent, clear, and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
 7. Clear and legible notices shall be prominently displayed in any external seating areas requesting patrons to respect the needs of local residents and to use the area quietly.
 8. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
 9. All staff to be trained in the prevention of underage sales to a level commensurate with their duties.
 10. All such training to be updated as necessary for instance when legislation changes and should include training on how to deal with difficult customers.
 11. The training should be clearly documented and shall be available for inspection on request by an authorised officer of the Licensing Authority or an officer of the Police.
 12. All staff training records to be maintained on site and made available for inspection by a responsible authority on reasonable request.
 13. The Premises DPS or management must attend any invited training sessions held by responsible authorities on reasonable request.
 14. The Premises Licence holder shall implement and maintain an up-to-date register of incidents occurring on the premises. This register shall be made available to the Police or Authorised Officers on request.
 15. An incident log must be kept at the premises, and made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police, which must record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received;
 - d) any incidents of disorder;
 - e) seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system or searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol; and
 - h) any visit by a relevant authority or emergency service.
 16. No open vessels of alcohol to leave the venue at any time.

17. The Applicant shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Officers and shall ensure:-
- a) All equipment shall have constant time/date generation.
 - b) This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time etc.
 - c) If the system is not capable of achieving this requirement the Licence holder or a nominated person must ensure that a manual facility is available to carry out this update as an alternative.
 - d) Recordings must be kept for a minimum of 31 days.
 - e) Recordings of incidents at the premises must be made secure for inspection by the Police and or Licensing Officers.
 - f) Copies of recordings will be made available to officers of the responsible authorities on reasonable request.
 - g) Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
 - h) Arrangements for its repair must be made without delay.
18. Alcohol to be served only with a main table meal. No alcohol to be served with breakfast.
19. Alcohol only to be sold between the hours of midday and 14:30 hours and 18:00 hours and 20:30 hours. All customers to leave the premises by 21:00 hours and any staff to leave the premises by 21:30 hours.
20. The licensee must ensure that no restaurant customers (other than residents and guests) are admitted to the building after 20:00 hours.
21. The licensed area to be amended so that the sale of alcohol may only take place within the restaurant. No open vessels shall leave the licensed area at any time, including the café/ reception area or on either of the two outside terraces.
22. The licensee must only allow access to the restaurant from the front doors to the reception/ café areas (doors facing Queensway) and must not open the rear doors for any reason other than in an emergency. The licensee must ensure that the front doors are kept secured after they are locked by the building management and only allow entry for patrons of the restaurant.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

Cllr C Gifford (Chair)
Cllr Luckhurst
Cllr Syson

27 July 2023

(The meeting ended at 10.41am)

CHAIRMAN
16 October 2023