

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Monday 17 May 2010, at the Town Hall, Royal Leamington Spa at 10.00am.

**PANEL MEMBERS:** Councillors Crowther, Mrs Higgins and McFarland.

**ALSO PRESENT:** David Davies (Licensing Services Manager), Max Howarth (Council's Solicitor) and Graham Leach (Senior Committee Services Officer).

## 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Crowther be appointed as Chairman for the hearing.

The Chairman introduced himself, other Members of the Panel and Officers.

## 2. DECLARATIONS OF INTEREST

Minute Number 3 – Application for a premises licence under the Licensing Act 2003 for One Stop Stores Ltd, Coventry Road, Warwick

Councillor Mrs Higgins declared a personal interest because the application was in her ward, however she had not been approached about the application nor had she predetermined the application.

## 3. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR ONE STOP SHOP STORE LTD, COVENTRY ROAD, WARWICK

A report from Community Protection was submitted which sought a decision on a premises licence application, for a new One Stop Shop Store, on Coventry Road, Warwick where objections had been received.

The Chairman asked those present to introduce themselves, they were Michael Cook, Trading Department One Stop Shop Stores Ltd, Sarah Marclow of the Trading Department One Stop Stores Ltd, John Gwynne, an interested party, Brian Meads an interested party and Val Meads, an interested party.

The Council's Solicitor read out the procedure that would be followed at the meeting.

The Licensing Services Manager outlined the report and asked the panel to consider all the information contained within the report and 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.

## **LICENSING PANEL HEARING MINUTES (Continued)**

The report from Community Protection which was submitted to the Panel presented an application to permit the sale of alcohol for consumption off the premises and opening hours seven days a week of 06:00 to 23:00.

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.

A condition had been previously agreed by the applicant with Warwick District Council's Environmental Health department and was detailed in the report as "With exception of the delivery of newspapers, no other deliveries will be made to the premises prior to 07:00 each day".

The representative of the applicant outlined the case highlighting that there were no representations from responsible authorities and they had agreed that no deliveries other than newspapers prior to 07:00 each day and in addition the trading and operations of store were regularly reviewed, including the opening and delivery arrangements.

The applicant's representative explained that One Stop Store Ltd offered a full range of facilities to customers not just alcohol, this included food, papers, tobacco etc. They did not want to be a destination store but a convenience store for the community and passing trade.

It was explained that they operate a recognised leading alcohol selling scheme which included, Challenge 25, tills which did not permit sales by staff who had not undertaken relevant training, tills that required prompts for id (including detailing the id type) and DOB/age calculator to enable verification of ID. The company also monitored challenges, refusals and sales to enable the early identification of problems and common themes. This information would be available to responsible authorities on request. The company had also has an independent test purchases company who used 18-19 year olds to randomly try purchase alcohol and tobacco products to identify problems.

The company had also undertaken a corporate approach of securing spirits behind the counter, selling a wide range of beers and wine and only selling alcopops in multipacks.

A member of the panel asked the applicant if they had consulted County Highways regarding road access and parking issues. The Council's solicitor, at the request of the Chairman, explained that while there might be concerns about parking, these cannot be considered as part of an application under the Licensing Act.

The applicant responded to this question and others from interested parties explaining that customer visits and deliveries were very short because of the nature and size of the store. At present there were no plans to include a post office within the store, a free to use ATM would be included in store and that as a convenience store retailer the sale of alcohol was essential to their service.

## **LICENSING PANEL HEARING MINUTES (Continued)**

The Chairman asked each interested party to outline their objection and explained that the Panel and applicant would be permitted to ask questions of the interested parties afterwards.

Mr Gwynne outlined his objection which was:

- Nuisance noticeably reduced following the closure of previous off licence on this site;
- New target market involved as the previous off licence had selection of wines and beers and one stop offers lower end products with half price drinks offers;
- Parking was a problem in the area and this was a council issue because there were too many businesses in area;
- Neighbouring off licences and take away food premises have been there for a significant time and this has caused a cumulative effect in the area; and
- Deliveries were a concern for locals not only for safety because of size of delivery vehicles but the frequency of their visits.

Mr Meads outlined his objection which was:

- That he agreed entirely with Mr Gwynne
- In addition he explained that they had been threatened and abused by people when asked them to move from obstructing their drive
- The 17 hours a day trading was excessive and would cause more problems for the area.

Mrs Meads outlined her objection agreeing with the previous objectors and others appended to the agenda and explained that she did not believe that there was a need for another off licence considering the number in the area and in her opinion it would "drag in more vagrants into the area".

There were no questions for the interested parties from either the Panel or the applicant.

Councillor Mrs McFarland asked the applicant how it handled the issue of older people purchasing alcohol for underage drinkers. The applicant's representative explained that sales by proxy were an issue and the trade was aware of this, this was included within their training practice including watching unusual purchases including vigilance outside the store, work closely with local police and PCOSs to identify issues.

The applicant then summed up their application explaining that One Stop Stores Ltd, stocked a full range of drinks both in value and type and while they did have promotions these were reasonable promotions and not aimed at the lower end of the market. Deliveries would take average 10-20 minutes and at their busiest stores every two days, they did have small daily fresh food and news paper deliveries every day.

The Chairman asked everyone to leave at 10.45am to enable the Panel to deliberate and reach its decision.

In taking their decision the panel paid due consideration to the relevant legislation and guidance, application and representations made about it and were satisfied that this application would not have a significant impact upon the licensing objectives.

## **LICENSING PANEL HEARING MINUTES (Continued)**

However the Panel had sympathy with the residents because of the concerns they highlighted with regard to traffic and parking issues, but the Panel were mindful that this could not be taken into consideration when determining the application. They noted the concerns of the residents with regard to crime and disorder and public nuisance, however, no evidence had been submitted to support these concerns in relation to the premises. Therefore, it was agreed that the licence should be granted as per the application with the addition of the agreed condition, with Environmental Health, regarding deliveries.

**RESOLVED** that the application, for the Sale of alcohol for consumption off the premises and opening hours seven days a week of 06:00 to 23:00, subject to the operating schedule and condition that "with the exception of newspapers, no other deliveries will be made to the premises prior to 7:00 each day, be granted.

The Chairman invited all parties back into the room and announced the decision of the Panel as set out above. All parties were reminded that they had the right to appeal this decision to the Magistrates within 21 days of the written notification of the decision.

### **5. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR KENILWORTH SPORTS AND SOCIAL CLUB, UPPER ROSEMARY HILL, KENILWORTH WHEN CONDITIONS HAVE BEEN AGREED**

A report from Community Protection was submitted which sought a decision on a premises licence application, in respect of Kenilworth Sports & Social Club, Upper Rosemary Hill, Kenilworth where conditions had been agreed.

The Licensing Services Manager outlined the report and asked the panel to consider all the information contained within the report and 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 following:

The Sale of Alcohol, Plays, Films, Indoor Sportining Events, live music, the performance of dance, anything similar of a similar nature to music and dance, making music and dancing, and anythign similar to music and dancing (all indoors)	11:00 to 01:00 Monday to Saturday 11:00 to 00:00 Sunday
Late Night Refreshment	23:00 to 01:00 Monday to Saturday 23:00 to 00:00 Sunday
Opening Hours	11:00 to 01:30 Monday to Saturday 11:00 to 00:30 Sunday

## **LICENSING PANEL HEARING MINUTES (Continued)**

All of the above were applied to be extended on Christmas Eve and New Years Eve until 03:00.

Following consultation the applicant had agreed the following conditions had been agreed with Warwick District Council's Environmental Health department. These were:

1. All windows and doors shall be closed when regulated entertainment is provided – Access and egress being restricted to the main entrance foyer; and
2. Noise levels arising from regulated entertainment shall not be at such a level of noise to cause a statutory nuisance when measured one metre from the facade of the nearest noise sensitive premises.

In taking their decision the panel paid due consideration to the relevant legislation and guidance, application and agreed conditions and were satisfied that this application would not have a significant impact upon the licensing objectives.

**RESOLVED** that the licence be granted subject to the conditions agreed with Environmental Health.

(The meeting finished at 10.55am)