

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Monday 13 April 2015, at the Town Hall, Royal Leamington Spa at 10.00 am.

Present: Councillors Gill, Mrs Higgins and Pratt

Also Present: Caroline Gutteridge (Council's Solicitor), Amy Carnall (Committee Services Officer) and Emma Dudgeon (Licensing Officer).

1. **Appointment of Chairman**

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

2. **Declarations of Interest**

There were no declarations of interest.

3. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

Minute No.	Para Nos.	Reason
4	1	Information relating to any individual
4	2	Information which is likely to reveal the identity of an individual

4. **Application for a premises licence under the Licensing Act 2003 for 99 Warwick Road, Kenilworth**

The Panel considered a report from Community Protection which sought a decision on an application from Mrs Quankila.

The Chair, members of the Panel and officers introduced themselves. The other parties then introduced themselves as Mr Coupe and Mr Katcha from Warwickshire County Council's Trading Standards Service, Sergeant Kettle and Sergeant Calver from Warwickshire Police and the applicant, Mrs Quankila.

The Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Officer 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 and, if so, whether the licence should be subject to any conditions.

The original application had been for the licence to permit the licensable activities as per the table below:

	Sale of Alcohol for Consumption off the premises	Opening hours
Monday to Saturday	09:00 to 23:00	07:30 to 23:00
Sunday	10:00 to 22:00	07:30 to 23:00

An operating schedule had also been submitted by the applicant and would form part of any licence issued. This was detailed in section 3.2 of the report.

The Licensing Officer advised that representations had been received from Warwickshire Police and Warwickshire County Council's Trading Standards team and these were attached as appendices to the report.

Following a question from the Panel, Members were advised that individuals did not need a licence to sell tobacco.

Mrs Quankila addressed the Panel and explained that the licence was being applied for in her name and she would be working with the owner of the premises, Mr Dosky.

In response to questions from the Panel, Mrs Quankila stated that she had completed the application herself and although the premise was trading as a shop, she would be working in partnership with Mr Dosky if she got the alcohol licence.

The representative from Warwickshire County Council's Trading Standards team, Mr Coupe, outlined their objection on the grounds of preventing children from harm and crime and disorder.

Mr Coupe explained that Trading Standards had concerns that the operating schedule was not robust enough to ensure that alcohol would not be sold to underage customers. Mr Coupe had written to the applicant in February suggesting measures that would be beneficial to avoid underage sales of alcohol.

Furthermore, Mr Coupe explained that following receipt of complaints from members of the public within the first week of the shop opening, three separate test purchases for tobacco had been carried out.

During these test purchases, an officer was asked to hide the cigarettes before he left the shop, a carton of cigarettes was sold from a van parked near to the shop and the seller said 'I have more tobacco, tell your friends'.

The shop was visited by Trading Standards by the police and an inspection of the premises and a vehicle was carried out. A quantity of counterfeit and non-duty paid hand rolling tobacco and cigarettes were found hidden.

Mr Coupe advised that Trading Standards were currently conducting further enquiries and a criminal investigation had been opened in relation to the sale and supply of counterfeit and illicit tobacco products.

In conclusion, Mr Coupe suggested that if the owner was prepared to sell counterfeit and illicit tobacco products, despite being visited by Trading Standards and the Police, it was likely that they would sell illicit alcohol which would be a great concern to them.

Councillor Pratt enquired as to the suggested conditions put forward by Trading Standards with regard to the sale of alcohol, in the letter attached to the report. Mr Coupe advised that he was not aware of the issues relating to tobacco sales at the time of writing to the applicant.

Mrs Quankila stated that she was not aware of any of the issues raised at the meeting and had not known that Mr Dosky was selling these things.

Sergeant Calver addressed the Panel and outlined Warwickshire Police's objection to the application. He advised that the lack of detail in the application and operating schedule reflected little understanding of the licensing objectives. He explained that the Police had received complaints within the first week of the premise opening and officers had visited the shop to provide advice. Despite this advice, a complaint was received last Thursday relating to the selling of illicit tobacco products. The Police were not convinced that the owner or applicant would act responsibly. Sergeant Calver advised that the premise was located in between two Anti-Social Behaviour hot spots and the grant of an alcohol licence would result in an increase of Crime and Disorder and public nuisance.

The applicant was given the opportunity to sum up and she stated that she did not know anything about the tobacco selling and her application was for alcohol. She apologised for Mr Dosky's actions and reiterated that she was unaware of him selling it.

At 10:25 am the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

At 10.40 am all parties were invited back into the room, at which time the Chairman advised that the Panel had listened to the applicant and the responsible authorities and considered the statutory guidance and the Warwick District Council statement of licensing policy. The Panel

Resolved to refuse the application for the premise licence.

There is evidence that criminal activity in the form of the sale of illegal tobacco is already taking place at the premises and the Panel share the concerns of the trading standards service and the police that a licence to sell alcohol could increase crime and disorder and cause harm to children and public nuisance.

The Panel also feel that the operating schedule and the information provided by the applicant is insufficient and does not adequately promote the licensing objectives or address the very serious concerns raised by the responsible authorities. The Panel do not believe that there are any conditions that could be imposed that would allow the licence to be granted.

The applicant was advised that there was a right of appeal to the Magistrates Court within 21 days of written notification and a full written decision would be published in due course.

(The meeting ended at 10.42am)