

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Thursday 3 June 2021, at 10.00am.

Present: Councillors C Gifford, Grey and Syson.

Also, Present: Rob Edwards (Committee Services Officer) Abbie Onib, (Civic & Committee Services Manager) Samantha Amphlett (Council's Solicitor), and Emma Dudgeon (Licensing Enforcement Officer).

1. **Appointment of Chairman**

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

2. **Declarations of Interest**

Councillor Syson informed the Panel that she knew Gill Smith as they both served on the Conservation Advisory Board together.

3. **Application for a Premises Licence under the Licensing Act 2003 for Revive Café Limited, 7 Smith Street, Warwick.**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence application under the Licensing Act 2003 for Revive Café Limited, 7 Smith Street, Warwick.

The Chairman asked the applicant and the objector to introduce themselves. Johnny Hung, a business consultant, represented the applicant and Lori Neal, a shareholder of Revive Café was present, along with Gill Smith who had objected to the application.

The Council's Solicitor explained the procedure for the hearing.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it in order to determine if the licence application should be granted, if so, whether the licence should be subject to any conditions.

An application for a premise licence at Revive Café Warwick was received on 8 April 2021. The premises operated as a café/restaurant serving hot and cold drinks and food with alcohol sales.

The licensable hours applied for by Revive Café are detailed below. Opening Hours of the premises:

Monday to Sunday from 08:00 to 23:00

Supply of Alcohol for Consumption on and Off the Premises:

Monday to Sunday from 08:00 to 23:00

Recorded Music (Indoors only)

Monday to Sunday from 08:00 to 23:00

An operating schedule, which had been submitted by the applicants and would form part of any licence issued was attached as appendix 1 to the report and additional documents submitted by the applicant for the Panel were attached as appendix 2 to the report.

A representation had been received from a local resident which was attached as appendix 3 to the report. The Licensing Department had submitted a representation from Warwickshire County Council Safeguarding and Trading Standards. Following the agreement of conditions, they withdrew their representations. These conditions were as follows:

1. must have a policy on clearing glasses to minimise opportunities for children to access leftover alcohol.
2. all children under 16 years of age must be accompanied by an adult after 9pm. After 9pm any unaccompanied child appearing to be under the age of 16 years old would not be served food or drinks. Refusal of service must be recorded in the refusals log.
3. 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).
4. a 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card (as opposed to a Challenge 21 policy).

The applicant's representative, Mr Hung, addressed the Panel and explained steps that would be taken to promote the four licensing objectives.

He explained that concerning the prevention of crimes and disorder, notices would be put around the café, and drunk behaviors by the customers would not be permitted. Staff, shareholders, and senior managers had received training before they started working at the café. He stated that drugs would not be tolerated within the premises. Customers and staff had been told to be vigilant, CCTV had been installed and would be monitored, and 30 days of data storage would be applied to ensure the safety of staff and customers. They had been in touch with the Trading Standards, Environmental Health and the Police and they had no reservations about the application.

With regards to public safety signage would be displayed showing cleaning was in progress or warning in areas where customers should not access such as kitchen and restricted areas. There would be logbooks of incidents or accidents that happened on site, the logbook would be kept on the premises and it would be available for inspection by an authorized person from the Local Authority as per Licensing Act 2003.

There would be adequate access provided for emergency vehicles and adequate access and provisions for disabled and impaired customers. Fire extinguishers and fire blankets in line with the Fire Safety governed by the Regulatory Reform (Fire Safety) Order 2005 would also be available.

On the prevention of public nuisance, Mr Hung explained that clear and legible notices would be shown on all exit signs requesting customers to respect nearby residents and businesses and to keep the noise to a respectful minimum. Deliveries would be received with the least amount of disturbance for nearby residents and businesses. Mr Hung explained that lighting both inside and

outside the building would be monitored and could be changed if there were complaints by local residents.

With regards to protection of children from harm, the premises would support Challenge 25. Signage would be at the premises and the till point at the point of purchase. This was one of the recommendations from Trading Standards. Notice stating that under 18's would not be permitted to be served or consume alcohol would be in the premises. All staff would be trained on noticing signs and actions during working hours of child neglect. This was in line with local authority guidelines.

There would be no adult themed entertainment, and any vacated table would be immediately cleaned and sanitized under Covid-19 rules. Children under the age of 16 would not be permitted to come in without adult guidance.

Mr Hung explained that this was a local business run by a local family, and the shareholders lived and operated businesses in Warwick. A front office general manager had been hired and the business had provided job opportunities to local residents.

The café would not be a sports bar and the plan was to accommodate families with young children to make the café a restaurant bar. At present, the premises could only accommodate 26 covers due to social distancing. There was no space to make it a full bar.

Mr Hung explained he was the Alcohol Licence Holder and there was another shareholder who was a local resident. Staff had also taken mandatory training on licensing Laws 2003 and in particular child exploitation training.

Mr Hung explained that there was no precedent for having any noise or drunken behaviour complaints, and the application for Revive café needed to be judged on its merits, rather than a projection of an assumption. Revive Cafe would be operating within the standard licensing hours.

In response to questions from the Panel, Mr Hung advised that:

- currently the premises could only operate 26 covers but the maximum number of covers was 52 covers;
- the café would not be a sports bar, the television was on the side wall on the back next to the toilet and in front of it would be a table tennis table and a pool table and football table and there would be very limited seating in that area, the maximum would be eight people;
- to come into the café, the online booking system had to be used by customers and if they tried to stay longer than the required time for them, the plan was to stop the use of the pool table, table tennis and football table at a particular time;
- on the issue of recorded music they intended to play very chilled out music, jazz music and coffee time music; there was no plan for rock music or heavy electronic music. The music would go along with fine dining and ambient music on the background. They would not be endorsing electronic dance music.
- the game tables would only be available on Friday and Saturday and potentially it would also be available on Thursday. If there were lots of bookings for the fine dining the games element would be removed temporarily. The football table and pool table and tennis table would not be in

- operation when fine dining occurring. The revenue that would be generated on a Friday and Saturday night would be more beneficial than the games; and
- Café revive would be closed on a Sunday to Thursday at 6pm when it was not running the fine dining experience and there would be no late evenings opening from Sunday to Thursday. The future agenda was to open a comedy night on a Thursday evening.

In response to questions from the interested party, the applicant explained that:

- the application for an off licence was to be able to maximise the opportunity to apply for one because they may need one at a later date; and
- those were the maximum hours by law and the reason they put in the application is to obtain the maximum number of hours.

At the request of the Chairman, Mrs Smith explained her concern about how off sales would impact local residents and the length of time the off licence had been asked for.

In response to a question from the applicant, Mrs Smith explained that she had not visited the café.

In summing up, the applicant thanked the panel and explained that the context had been miscommunicated to the local community on what the plan was about. He hoped that the documentation he supplied to the local residents and the Council showed the true intentions that were intended for the premises and how they renovated a derelict site. They were conscious of licensing laws, challenge 25, child exploitation and were working closely with the Environmental Health officers and Trading Standards. They were liaising with the right department and they were not going outside the guidelines that were legally set, and they provided benefits to the staff by providing work for them and would be a service and a thriving business for the people of Warwickshire.

At 11.08am, the Chairman reminded those present of the procedure: the remote meeting would be ended by the Committee Services Officer; a separate meeting would be arranged with the Members of the Panel, the Legal Advisor and the Committee Services Officer; the decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application for a premises licence for 7 Smith Street Warwick should be granted subject to the conditions listed at paragraph 3.7 of the Licensing Officer's report.

In reaching this decision the Councillors had considered your submissions and the operating schedule, setting out the measures that would be taken to ensure that the licensing objectives are complied with.

For the avoidance of doubt, the Panel noted that the licence would include amongst others, those conditions listed at paragraph 3.7 of the Licensing Officer's report, which had been agreed and stated as follows:

1. Must have a policy on clearing glasses to minimise opportunities for children to access leftover alcohol.
2. All children under 16 years of age must be accompanied by an adult after 9pm. After 9pm any unaccompanied children appearing to be under the age of 16 years old will not be served food or drinks. Refusal of service must be recorded in the refusals log.
3. 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).
4. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card (as opposed to a Challenge 21 policy).

(The meeting ended at 11.08am)

CHAIRMAN
July 2021