

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Wednesday 26 August 2015, at the Town Hall, Royal Leamington Spa at 10.00 am.

Present: Councillors Cain, Miss Grainger and Weed

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

1. **Appointment of Chairman**

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

2. **Declarations of Interest**

Councillor Miss Grainger advised that she had previously been a member of the Royal Leamington Spa Town Council Planning Committee but had stood down when appointed to the Licensing and Regulatory Committee.

3. **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**

The Panel considered a report from Community Protection which sought a decision on an application for Orchard Corner Convenience Store, 1-2 The Shopping Centre, St Margaret's Road, Whitnash.

The Chair introduced the members of the Panel and the officers present. The other parties then introduced themselves as;

Mr Garewal, the applicant; Mr Panchal, applicant's representative; and Mr Passi, an employee of the shop.

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 variation of the premises licence should be approved and, if so, whether the licence should be subject to any conditions.

Mr Garewal had applied for a variation of the premises licence on 6 July 2015. The application requested an extension of the hours the premises were able to sell alcohol for consumption off the premises only. The variation to the hours was as follows:

	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

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

Representations had been received from six residents and one business in the vicinity of the premises. The written objections from residents were attached as appendices 1 to 6 and the objection from the business was attached as appendix 7 to the report.

There were no representations from any of the responsible authorities.

Mr Panchal outlined his client's application and explained that the shop had held its current licence since 2012, they had not had any problems with under age customers and no incidents had been recorded with the Police. He explained that his client had received successful visits from Council officers and had no history of any problems at the premises.

Mr Panchal referred to the objections made by local residents and advised that one of these was from a local competitor, carrying out a similar trade to his client. In addition, he stated that his client had spoken to all of the objectors and at least one of them had been asked to object to the variation by his nearby competitor.

He also highlighted that a number of the examples of crime and disorder and anti-social behaviour had taken place away from the store and had no connection to his client or business.

Mr Panchal advised that the licensing objectives had always been robustly promoted by his client and he explained the measures they had in place to record any incidents, including when a sale had been refused by staff. A staff training manual was also due to be introduced along with a register logging those staff who had completed the training.

Mr Panchal summed up by assuring the Panel that his client's shop was well run and promoted the four licensing objectives. He referred Members to paragraph 10.15 of the Guidance issued under section 182 of the Licensing Act 2003, which advised that shops should be free to provide sales of alcohol during opening hours, unless there were good reasons for restricting them. He therefore requested that the variation be granted.

At 10:18 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 10:26 am all parties were invited back into the room, at which time the Chairman advised that the Panel had considered the officer's report, the written representations made and the guidance issued under Section 182 of the Licensing Act 2003. It had also listened carefully to the representations that had been made on behalf of the Applicant at today's hearing.

The representations made related primarily to the potential for increased nuisance and crime and disorder. However, the panel had been presented with no evidence that directly linked the sale of alcohol at these premises with public nuisance or increased crime and disorder. Further, there had been no representations from the Police or Environmental Health.

The Panel therefore

Resolved to grant the variation to the licence for the following activities and hours and subject to the applicant’s operating schedule, as detailed in the report:

Sale of Alcohol for Consumption off the premises	Opening hours
Every day from 07:00 to 23:00	No change (Sunday to Thursday from 06:00 to 23:30 Friday and Saturday from 06:00 to 00:00)

(The meeting ended at 10:29 am)