

# Licensing & Regulatory Panel

Thursday 8 March 2018

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A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Thursday 8 March 2018 at **10.00am**.

Membership: Councillors Gifford, Miss Grainger and Mrs Hill

## Emergency Procedure

At the beginning of the meeting the emergency procedure for the Town Hall will be announced.

## Agenda

### 1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

### 2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

### 3. **Application for the variation of a premises licence issued under the Licensing Act 2003 for Shell, 178 Warwick Road, Kenilworth**

To consider a report from Health & Community Protection **(Pages 1 to 87)**

Published Wednesday 28 February 2018

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

Enquiries about specific reports: Please contact the officer named in the report.

Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

 <b>Licensing &amp; Regulatory Committee</b> <b>8 March 2018</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for the variation of a premises licence issued under the Licensing Act 2003 for Shell, 178 Warwick Road, Kenilworth	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	26.2.2018	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

## 1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for the variation of the premises licence for Shell, 178 Warwick Road, Kenilworth.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

## 2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the variation of the premises licence at Shell, 178 Warwick Road, Kenilworth, should be granted and, if so, whether the licence should be subject to any conditions.
- 2.2 When considering the application the panel must also give appropriate weight to:-
  - a) The representations received.
  - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
  - c) The Council's Licensing Policy Statement (attached as appendix 37)
  - d) The Licensing Objectives, which are:-
    - i) The Prevention of Crime and Disorder.
    - ii) Public Safety.
    - iii) The Prevention of Public Nuisance.
    - iv) The Protection of Children from Harm.

However, it should only consider those licensing objectives which have been referred to in the representations received.

- 2.3 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 2.5 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

## 3. **Reasons for the Recommendation**

- 3.1 Motor Fuel Limited applied for the variation of the premises licence for Shell, 178 Warwick Road, Kenilworth on 29 January 2018. The premise is a Petrol Station with convenience store. The variation is to extend the hours for alcohol sales, opening hours and the addition of late night refreshment. The hours applied for are set out in the table below. Plans submitted with the application are attached as appendix 1.

	Opening Hours	Sale of Alcohol for Consumption Off the premises	Late Night Refreshment (Restricted to hot drinks only)
Monday to Sunday	00:00 to 24:00	00:00 to 24:00	23:00 to 05:00

- 3.4 The premises has been licenced with Warwick District Council since august 2014. Details of the current licence are set out below.

	Opening Hours	Sale of Alcohol for Consumption Off the premises
Monday to Sunday	07:00 to 22:30	07:00 to 22:30

- 3.3 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

*General*

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refreshing training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

Spirits will be located behind the counter.

*Prevention of Crime and Disorder*

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

*Public Safety*

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

CCTV must be installed to the current British Standard, record at all times when licensable activities take place, and must include:

- Camera's must cover entrance and service till.
- Head and facial recognition.
- Capable of recording and storing images for 30 days continuously.
- Images will be made available to an authorised officer as soon as reasonably possible or within any event within 24 hours of the request being made.
- The image quality must be of a minimum of 12 frames per second. The system must be signed off by Warwickshire Police Architectural Liaison Officer.

*Prevention of Public Nuisance*

Useable waste bins provided on the forecourt.

### *Protection of Children*

A refusals book will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A Challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

3.4 The Licensing Department has received a representation from Warwickshire Police attached as appendix 2, Warwick District Council Environmental Health attached as appendix 3, and 29 residents attached as appendices 4 to 34.

3.6 No representations have been received from:

- Fire Authority
- Body responsible for the protection of children from harm
- Trading Standards
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health

3.7 A map of the area is attached as appendix 35 and photographs of the area are attached as appendix 36.

## **4. Policy Framework**

### **4.1 Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

<b>FFF Strands</b>		
<b>People</b>	<b>Services</b>	<b>Money</b>
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels

<b>Impacts of Proposal</b>		
The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.	None	The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
<b>Impacts of Proposal</b>		
None	None	None

## 4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

## 5. Budgetary Framework

- 5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

## 6. Risks

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 21 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.

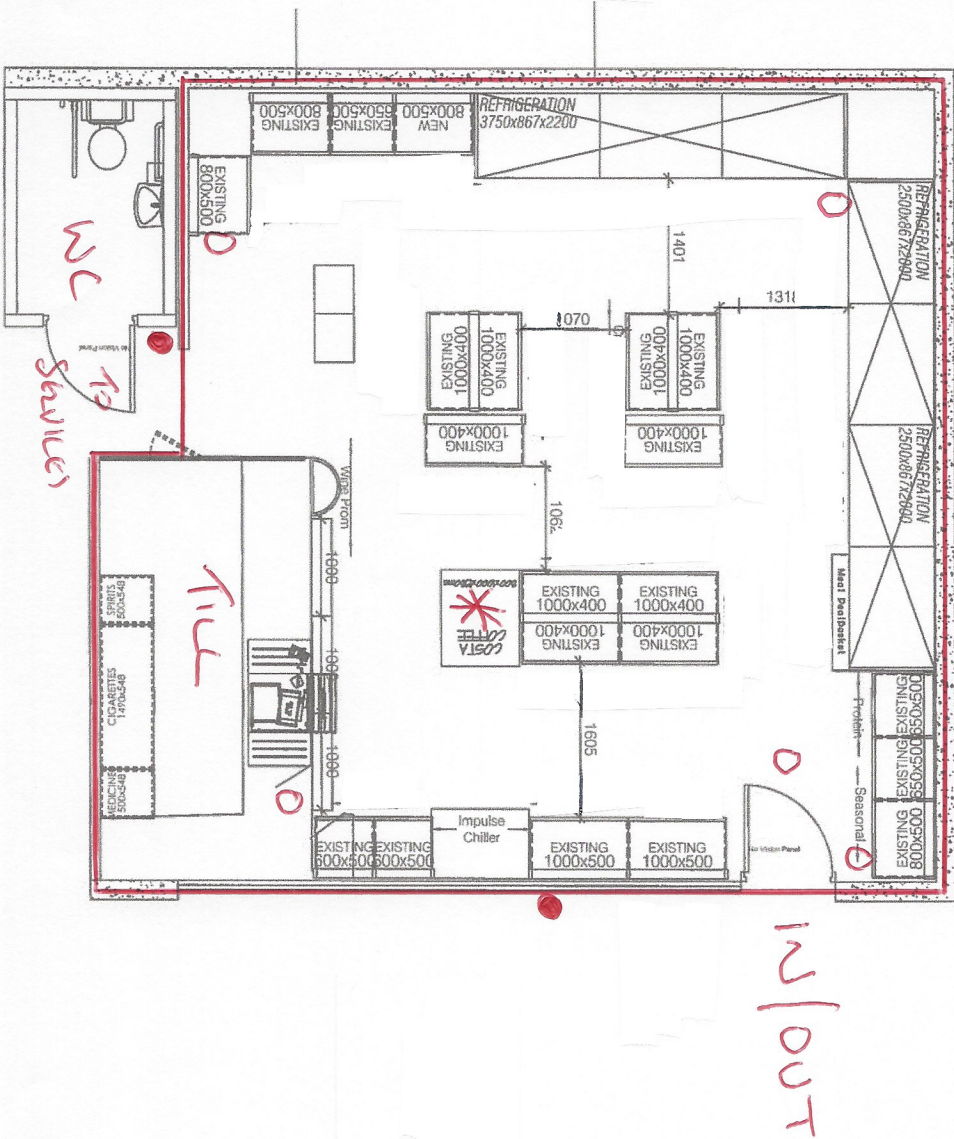


REVISION

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PROJECT TITLE	LONDIS KENILWORTH
PROJECT ADDRESS	137 WARWICK ROAD KENILWORTH CV8 3HY
TELEPHONE:	
FAX:	
DRAWING TITLE	MFG MACHINE
SCALE	1:75 @ <b>A4</b>
DATE	24.01.18
DRAWN BY	
DRAWING NUMBER	
REVISION	

**Londis**  
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## NOTES



## Licensing Act 2003

## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Warwickshire Police

<b>Your Name</b>	PS 1958 Chris Kitson
<b>Job Title</b>	Warwick and Kenilworth Safer neighbourhoods Team Sergeant
<b>Postal and email address</b>	Warwick SNT Hub, St George's House, Cape Road, Warwick CV34 5DJ
<b>Contact telephone number</b>	01926 684302

<b>Name of the premises you are making a representation about</b>	Shell Service Station, 173 Warwick Road, Kenilworth, Warwickshire CV8 1HY
<b>Address of the premises you are making a representation about</b>	

<b><i>Which of the four licensing Objectives does your representation relate to?</i></b>	<b><i>Yes Or No</i></b>	<b><i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i></b>
<b>To prevent crime and disorder</b>	Y	<p>Warwickshire Police object in full to this license application.</p> <p>Over the past 6 months in Kenilworth there has been an issue with ASB and crime in the town associated with young people of all ages above and below 18 years of age. A large proportion of this has been alcohol related, and in locations where premises are open later at night or accessible in the late evening. Warwickshire Police has put a lot of resources and public funding into tackling this issue. In addition to anti-social behaviour, Police have dealt with offences such as indiscriminate damage caused to people's property, public property being damaged, public order offences, assaults and robberies that are all associated with groups who are believed to be drinking and congregating in public spaces around Kenilworth.</p> <p>If this license were to be granted, there is an increased risk of crime and disorder and public nuisance in this location due to the attraction it will bring as an alternative location that is open later in to the night for these groups to congregate.</p> <p>It also brings added risk due to the age range of underage drinking, under age sales, and proxy sales.</p> <p>Whilst planning legislation is not part of the licensing regime, it is apparent from local residents that the premises is already breaching planning conditions on a regular basis, and therefore leads Warwickshire Police to have little faith in the management and staff to conform to any license conditions that would be imposed on the sale and regulation of alcohol, particularly when confronted by groups of juveniles intent upon procuring alcohol from this location late at night.</p> <p>There is also a risk of increased public nuisance due to the location of nearby towns such as Leamington and Coventry, where people will be returning from nights out in</p>

		<p>these neighbouring locations by taxi, and will seek to obtain food and alcohol from this garage upon arriving back in Kenilworth. The likelihood this will become a drop-off point for taxis is increased, and as such the disruption and noise that neighbouring residents already tolerate will be compounded well in to the early hours, as clubs in Leamington often do not close until 4am.</p> <p>Further evidence may be submitted in advance of any hearing.</p>
<b>Public safety</b>		
<b>To prevent public nuisance</b>	Y	See above
<b>To protect children from harm</b>	Y	See Above

<p><b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b></p>	<p>Based on the above evidence, Warwickshire Police cannot suggest any conditions that we believe would reduce the risks or be adhered to and therefore we object in full.</p>
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Signed: PS 1958 Chris Kitson

Date: 15/02/2018



## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

**Responsible Authority** – Environmental Health, Riverside House, Milverton Hill, L/Spa, CV32 5HZ

<b>Your Name</b>	Matthew Shirley
<b>Job Title</b>	Environmental Protection Team Leader
<b>Postal and email address</b>	Safer Communities, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ
<b>Contact telephone number</b>	01926 456730

<b>Name of the premises you are making a representation about</b>	<b>Shell Kenilworth - Variation of licensable hours</b>
<b>Address of the premises you are making a representation about</b>	173 Warwick Road, Kenilworth, Warwickshire, CV8 1HY

<b>Which of the four licensing Objectives does your representation relate to?</b>	Yes Or No	<b>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>	No	
<b>Public safety</b>	No	
<b>To prevent public nuisance</b>	Yes	See accompanying comments
<b>To protect children from harm</b>	No	

<b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b>	Environmental Health does not believe that any reasonable conditions can be added that will address the impacts of public nuisance likely to occur if the variation is granted.
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<b>Comments / Objections / Observations</b>	<b>Environmental Health objects to the proposed variation</b>
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Signed: **M. Shirley**

Date: Tuesday 20<sup>th</sup> February 2018

## Representation


Environmental Health objects to the proposed variation to allow the premises to operate on a 24 hour / 7 day a week basis. Whilst located in the Kenilworth town centre, the premises is bordered by a number of residential dwellings of which some have direct line of sight over the premises' forecourt and shop. During the day and evening time, the noise levels in the area may be higher due to passing traffic as well as the various restaurant and licensed premises in the area. During the night time, however, the road traffic noise subsides when all other commercial premises cease to trade. This means that noise levels drop significantly and the area becomes a much quieter location.

It is our opinion that the proposals to operate on a 24 hour basis will result in public nuisance to surrounding residents as a result of noise generated by walk-in customers in the very late hours as well as an increase in vehicles arriving at the site throughout the night. This will create sleep disturbance to existing residential properties as a result of raised voices from customers visiting the shop or using the ATM, vehicle engines being switched off and ignited, car radios, as well as car doors being closed. During these hours, other sources of noise and disturbance in the area will be limited and therefore the potential for night time noise disturbance is much higher. We also have concerns that the premises will be one of, if not the only premises in the immediate area that will open on a 24 hours basis. This means that the premises will become a focal point and will attract additional customers to the site at all hours which will create noise to the detriment to the nearby residents.

Whilst not a licensable activity in itself, it is not clear whether the applicant intends to only operate the shop on a 24 hours basis or whether they will also be seeking to sell fuel. Having recently visited the site at night time, we have observed that the existing forecourt canopy lights currently illuminate the facades of surrounding residential properties. These lights are routinely switched off at the current closing time of 22:30. If the premises were operated on a 24 hour basis, we believe that nuisance will be caused by obtrusive light entering residential properties if these canopy lights were to be illuminated throughout the night and will interfere with surrounding residents' sleep.

Whilst it may be argued that fewer customers will visit the premises during the very late hours when compared to the day time, it will only take short episodes of noise in the late hours before nuisance is caused and local residents' sleep is disturbed. We also have concerns about the associated noise in the street generated by customers once they have made their purchases to which the applicant will have no control over once they have left the premises. It would also be reasonable to presume that the applicant will wish to only serve customers through a night hatch during the night time hours in order to protect the safety of their employees. In these situations, there is typically only one member of staff on the premises during these hours. We therefore have concerns about the premises' ability to intervene in any noisy activity or confrontation that may arise on site and prevent public nuisance without compromising the safety of their staff.

The premises currently operate between 07:00 and 22:30 on Monday to Sunday. In our opinion, this strikes a reasonable balance between the residents' right to the enjoyment and comfort of their properties and the commercial premises' ability to operate within a town centre location. If granted, this balance will shift in favour of the commercial premises and will result in additional noise and disturbance to the detriment of local residents due to a significant change in trading patterns. Despite this significant change, the applicant has not put forward any additional conditions or assurances on how the additional noise and public nuisance created by the proposed variation will be mitigated to a minimum. For these reasons, Environmental Health **objects** to the proposed variation.

<b>Licensing Act 2003 Representation Form</b>	
<b>Section 1 - Application Details</b>	
<b>I object to the following Application:</b>	
Applicant's name (if known):  Balasubramaniam Balamuhunthan  Premises name and address:  Shell Kenilworth - Extension of hours and late night refreshment, 173 Warwick Road, Kenilworth, Warwickshire, CV8 1HY	
Application for a	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application Number	WDCPREM00801

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b> <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	Buswell
First name(s)	Mr Mrs Neil
Address (incl postcode):  176 Warwick Road Kenilworth CV8 1HU	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because
-----------------

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><b><i>You can tick more than one box</i></b></p>	<p><input checked="" type="checkbox"/> Prevention of crime and disorder.</p> <p><input checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input checked="" type="checkbox"/> Public safety</p>

<input checked="" type="checkbox"/>	I object to the application being granted at all
<input type="checkbox"/>	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
--



You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

Dear Sir/Madam,

We object for the very same reasons we objected in 2010 for extended opening hours regardless of the criteria.

As a family over the last 18 years we have suffered numerous sleepless nights due to late night activity on and around this business's forecourt from people and car traffic congregating and spilling over and outside our house and the bus shelter where drinks are bought and the shelter then used as an extended public house till the early hours.

It is bad enough that this forecourt is currently used as a taxi rank and used to drop off people at all hours as it is.

We have called and logged with the police many instances in the past of anti-social behaviour and this can be checked and confirmed as an increasing issue during the warmer months.

As this application awaits conclusion we can state that we have this last few weeks already heard and seen extra (garage lighting and traffic pollution) via the forecourt and the associated vehicle noise from 6.00 am. We are not happy with this additional noise and traffic pollution am or pm and most certainly do not want it 24 hours a day and 6/7 days a week!?

Even during the current 'normal' opening periods the noise is an issue, the rubbish the pollution and in several instances previously the anti-social behaviour, surrounding property damage and also to our own has also made our lives very difficult.

We objected for all these reasons and others all as documented back in 2010 (application W/10/1521). With the request to extend hours and to sell alcohol during these periods now, we most definitely strongly maintain our objection to this licensing request.

Signed..  
2018.....

.... Date 6<sup>th</sup> February

### **NOTES**

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
- This form must be returned within 28 days from the day after the application was made. The exact date may be found on the council's website.
- The objection may only relate to one or more of the four licensing objectives.

Please return this form when completed to:

Warwick District Council  
Licensing Team,  
Health and Community Protection,  
Riverside House,  
Milverton Hill,  
Royal Leamington Spa.  
CV32 5HZ

[licensing@warwickdc.gov.uk](mailto:licensing@warwickdc.gov.uk)

Tel: 01926 456113  
Fax: 01926 456121

**This may form be posted or emailed to the Local Authority**

**Emma Dudgeon**

---

**From:** Michael Gatherer  
**Sent:** 07 February 2018 12:12  
**To:** Licensing  
**Subject:** WDCPREM00801

I object to licensing application WDCPREM00801; extension of hours and late night refreshment at the Shell garage, Warwick Road, Kenilworth.

The increased licensing hours will attract late night, if not all night traffic and pedestrians some of whom will be topping up their alcohol levels after pub closing time, potentially causing a lot of noise and hence public nuisance together with the potential for increased crime and disorder in this quiet at night neighbourhood.

As far as I am aware currently no public houses and shops are open 24 hours a day in Kenilworth and it's surrounds, thus 24 hours sales of alcohol will become an attractive magnet to a large population. Additionally, recently plans have been passed that will significantly increase the student population of Kenilworth further adding to the potential for nuisance.

Michael Gatherer 143 Warwick Road, Kenilworth, CV8 1HY

<b>Licensing Act 2003 Representation Form</b>	
<b>Section 1 - Application Details</b>	
<b>I object to the following Application:</b>	
Applicant's name (if known): Motor Fuel Limited Balasubramaniam Balamuhunthan  Premises name and address: Shell Kenilworth, 173 Warwick Road, Kenilworth, Warwickshire, CV8 1H	
Application for a	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing From Monday to Sunday from 07:00 to 22:30 to Monday to Sunday 24 hours.	Premises Licence..... X  Club Premises Certificate..... <input type="checkbox"/>
Application Number	

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b>	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input type="checkbox"/> Mrs x Miss <input type="checkbox"/> Other _____
Surname	Cook
First name(s)	Jackie
Address (incl postcode): <b>145 Warwick Road</b> <b>Kenilworth</b> <b>CV8 1HY</b>	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because Kenilworth is a small town where there can be little demand to buy alcohol past 10.30 and the purchasing of alcohol could only attract trouble, noise and encourage drunkenness and disorder on Warwick Road and impact this highly residential area.

When the Shell was open 24 hours for a short period of time a few years ago there was lots of nuisance and disturbance into the very early hours of the morning, sometimes until 4 am with shouting and fighting in the street. With the current licence we have little disturbance.

Also, in Kenilworth there is a recognised problem with children and young people drinking in the local parks, the sale of alcohol 24 hours can only exacerbate this situation and cause greater strain on the already stretched Police.

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	NA
Please state nature of representation: <b>I am a local resident who objects</b>	

Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><b><i>You can tick more than one box</i></b></p>	<p>X Prevention of crime and disorder.</p> <p>X Prevention of public nuisance.</p> <p>X Protection of children from harm.</p> <p>X Public safety</p>

X	I object to the application being granted at all
	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
<p>You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.</p> <p>Please attach supporting documents / further pages as necessary - Please number all extra pages</p>
<p>Signed Jackie Cook</p> <p>Date...7/2/2018</p>

## NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will

**Emma Dudgeon**

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**From:** Pam Lunn  
**Sent:** 09 February 2018 15:24  
**To:** Licensing  
**Subject:** Application from Shell Garage, Kenilworth

I am writing in response to the notice in today's Kenilworth Weekly News concerning the application from the Shell Garage, Kenilworth to be able to sell food and alcohol 24/7.

I live in Kenilworth, although not near enough to the garage to be directly disturbed by noise or nuisance from the premises. However, there are wider issues for the whole of Kenilworth.

Retailing food and alcohol in this manner will create an unsightly litter nuisance which will impact on the whole town:

- it will create an unpleasant vista for people approaching the town from the A46
- the inevitably greater volume of litter on Saturday nights will be an unpleasant sight for worshipers going to either St John's or St Francis church on Sunday mornings
- the litter and the general ambience produced by this kind of retail will impact on the restaurants along the adjacent section of Warwick Road; the clientele of these restaurants, which are a significant part of the Town's economy and attract people from elsewhere, will not want to be confronted by this kind of scene when they are going out for an expensive meal
- this kind of food and alcohol retailing, along with the planned increase in designated student accommodation in the town, will combine to change the entire ambience of Kenilworth, in a way that will affect all residents – and not for the better. Kenilworth residents do not want large numbers of students, being noisy late at night, littering fast food packaging, and alcohol cans and bottles, around the town
- one such successful application would encourage others to follow suit, and we do not want Kenilworth ending up like student-land in South Leamington.


I hope this application will be rejected out of hand.

-----  
Pam Lunn

3 Forge Road, Kenilworth CV8 2HR

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<b>Licensing Act 2003 Representation Form</b>	
<b>Section 1 - Application Details</b>	
<b>I object to the following Application:</b>	
Applicant's name (if known): Motor Fuel Limited Balasubramaniam Balamuhunthan  Premises name and address: Shell Kenilworth, 173 Warwick Road, Kenilworth, Warwickshire, CV8 1H	
Application for a	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing From Monday to Sunday from 07:00 to 22:30 to Monday to Sunday 24 hours.	Premises Licence..... <input checked="" type="checkbox"/> X  Club Premises Certificate..... <input type="checkbox"/>
Application Number WDCPREM00801	

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b> <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other_DR_____
Surname	McDowell
First name(s)	Wallace
Address (incl postcode):  137 WARWICK ROAD KENILWORTH WARWICKSHIRE CV8 1HY	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

I am concerned that this application does not serve the local community. I have never heard, and that includes my time as a Labour Council candidate for the St John's ward, a single Kenilworth resident complain about the lack of provision for late night alcohol.

Therefore the only potential market for this proposal would come from people outside of the area and I am worried that this massive unknown factor is where the real problems might lie for Kenilworth residents.

There is too much risk of disruption and more for a number of my neighbours, many of whom are elderly. On this basis I am concerned about the possibility of anti-social behaviour being imported into this part of town that would negatively impact on the residents

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><i><b>You can tick more than one box</b></i></p>	<p><input type="checkbox"/> Prevention of crime and disorder.</p> <p><input type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>

	I object to the application being granted at all
	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
--

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

Signed.....

Date.....

### NOTES

- Please complete all information or your objection may not be considered.
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**Emma Dudgeon**

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**From:** Owen Clemett  
**Sent:** 12 February 2018 14:11  
**To:** Licensing  
**Cc:** Emily Clemett  
**Subject:** Fwd: Objection to Licensing Application for Shell Kenilworth Service Station (173 Warwick Road)

To whom it may concern,

I would like to raise my objection to the application to vary the premises licence, as made by Motor Fuel Limited for the Convenience Store, Shell Kenilworth Service Station, 173 Warwick Road, Kenilworth, Warks, CV8 1HY.

I am the owner/resident of 161 Warwick Road, Kenilworth, located directly adjacent to the Shell Garage, with which we share a boundary wall - see attached photo to give you an idea of the proximity. I live there with my wife Emily and our two daughters, Daisy aged 6 and Georgia, aged 4.

I object on the following grounds:

#### Public Nuisance

The Service Station in question is located directly next door to both my own residence and in close proximity to many others in what is a primarily residential area. It also forms part of the conservation area of St Johns and is adjacent to the local church. I strongly believe that the proposed license change would lead to a significant increase in the use of the garage at unsociable hours. The associated noise and disruption would directly impact the peace of mind and critically the *sleep* of my family. This kind of disturbance already happens due to the service station acting as Kenilworth's de-facto taxi drop off point for returning revellers on weekends.

I feel that were the service station to be open after the pub opposite closes, it would draw people across the street and into the service station in search of further alcohol, cigarettes and food late at night. We (again) are already faced with this issue quite frequently as the Green Man pub closes for the night and often suffer disturbed sleep as patrons slowly and noisily depart. The disorder then continues all the way up Warwick Road as people meander home.

A final point on public nuisance would be the use of the Service Station tannoy/loudspeaker. The loudspeaker is already clearly audible inside my property (in all rooms) when utilised. Given that late at night the convenience store would likely be locked and service provided via the window, this would no doubt necessitate increased use of the tannoy, particularly if the customers have been drinking. This would render sleep an impossibility for my young children, my wife and I.

#### Crime and Disorder

In addition to the issues mentioned above, I also feel that the late night opening of the Service Station would lead to an increase in crime and disorder on Warwick Road. The combination of available alcohol, food and cash would inevitably draw young people to congregate there as they did in the past, no doubt leading to drunken confrontation and other equally unsavoury late night activity. This already occurs (and not only at night). As a specific example I witnessed two teenage girls purchase drugs from a dishevelled man and woman directly outside the garage entrance. As the two teenage girls (I assume locals) walked away from the garage, the man and woman then had a heated argument about the proceeds of said transaction, during which the man violently assaulted and threatened to kill the woman. At this point I intervened and the man fled. I reported this to Warwickshire Police (incident 261, Crime number 23/003731/18) on the 24th January.

## Public Safety

Given the above issues, the last point I would like to raise is related to public safety - specifically my own and that of my family. Approximately 3 - 4 meters from my daughters bedroom window are 3 large, above ground propane tanks. Whilst enclosed in a fence, they are both visible and relatively accessible. Given the likelihood (or I might say inevitability) of alcohol related disorder and violence should this licensing request be approved, I am deeply concerned on the outcome of any vandalism to said tanks. We have already been the victim of numerous acts of drunken vandalism - stolen hanging baskets, damaged front door, damaged front railings etc. With the proposed change I would only see this getting worse and there are too many dangerous items very close to my property that could be damaged. When the garage was previously open 24hrs, it acted as a place for people to congregate and more of than than not, smoke out of the rain, littering the street and our adjacent drive with cigarette ends. I really am deeply concerned about that happening again with the tanks there.

As a final point I would also question the need for another 24 hour garage in Kenilworth. The Jet petrol station is a few hundred yards further out of town and is already open and in a much less disruptive location. Why the need for the Shell to open so late and at such great cost to its neighbours? There is also another 24 hour petrol station a few short miles away on the Warwick bypass, well away from any houses.

I believe approving this request will be incredibly damaging to the local community and specifically to me, in fact it may well make my life unbearable. The house has been in my family for 30 plus years and we (along with many others) can painfully remember the turmoil, disorder and upset caused when the garage was open 24hrs previously - and that was without alcohol sales.

I also request to speak at the licensing panel on the 8th of May.

Kind regards,

Owen Clemett





**Emma Dudgeon**

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**From:** Paul Johnson  
**Sent:** 13 February 2018 10:26  
**To:** Licensing  
**Subject:** WDCPREM00801 - 173 Warwick Road, Kenilworth

Dear Sirs

I am writing to you to raise my objections to the proposed application for Motor Fuel Limited (Shell garage) extension of hours to operate a 24 hour late night sale of alcohol, beverages and food from their premises at 173 Warwick Road, Kenilworth.

As a resident of this area of I have great concern for the problems which will be caused if this application is granted. Unsociable behaviour, noise from late night drop offs from nightclubs, taxis coming and going at all hours, HGV using late night/ early hours of morning refuelling are but a few of the issues that will be a problem for residents. A previous 24 hour opening application has already been refused and now the issue has raised it's ugly head again.

This is pure greed from the operator for extra funds re food all hours and liquor sales, with no regard or concern over the impact on residents in what is at present a residential area of Warwick Road. Currently we at least have some respite from what is already an extremely busy road during the night and are worried that if this application is granted it will have a detrimental effect on the area.

I respectfully request that you consider the concerns of residents of Warwick Road when making your decision.

Yours faithfully  
Paul Johnson

Sent from my iPad

Sent from my iPad

**Emma Dudgeon**

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**From:** Susan Smith >  
**Sent:** 14 February 2018 13:04  
**To:** Licensing  
**Subject:** Public nuisance

Dear Sirs

I wish to strongly object to the owners of the Shell petrol station, Warwick Road, Kenilworth being allowed to have a 24 hour licence and offering late night refreshment.

I have lived in Clarkes Avenue for 24 years and can remember very well the noise, mess and anti social behaviour that occurred when they were allowed to open for 24 hours before.

Yours faithfully  
Sue Smith  
Sent from my iPad

**Emma Dudgeon**

**From:** Kathryn Phillips  
**Sent:** 14 February 2018 15:49  
**To:** Licensing  
**Subject:** Shell garage Kenilworth WDCPREM00801

Shell Kenilworth - Extension of hours and late night refreshment	26/02/2018	173 Warwick Road, Kenilworth, Warwickshire, CV8 1HY
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We were rather shocked to see that there is a proposal (again!) from the Shell garage to sell alcohol and hot food all night.

Kenilworth is a small town and does not have a 24 hour culture - we are not London or a big city.

Kenilworth has a wide range of existing outlets for alcohol and hot food (of which the Shell garage is one) which are available in many cases up to 11pm or even midnight and opening again as early as 7am.

Many are outlets where the purchasers can sit inside the facility thus keeping the noise lower but even they are not open 24 hours a day!

The Green Man (immediately opposite the Shell garage) has to close its outdoor seating area by 11pm to avoid noise and disturbance to the locality - it is to be hoped that the Council understand that this restriction ought to extend to the Shell garage and its ability to encourage people to congregate outside late at night.

Kenilworth also has a large number of open recreational spaces in which groups of youths frequently gather especially when the weather becomes warmer.

Is it really relevant for the applicants, when considering as they are required to do the four key objectives, to claim that they can even remotely cater to their obligations? Just skimming briefly through their claims our response is that:

### Prevention of Crime & Disorder

*'A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities..'* is entirely outwith covering the areas where damage, littering and noise pollution is likely to take place. What is outlined by the applicant is simply standard protection for the Shell garage's own staff and the takings - no more, no less.'

### Public Safety

*'A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities...'* is entirely outwith covering the areas where damage, littering

and noise pollution is likely to take place. What is outlined by the applicant is simply standard protection for the Shell garage's own staff and the takings - no more, no less.

### Prevention of Public Nuisance

*'Useable waste bins provided on the forecourt'* would only be relevant if the purchasers of the hot food and alcohol are going to stand on the forecourt and consume them there. Given that alcohol is highly flammable, along with petrol/diesel and the risk that there could be smokers is it even remotely likely that anyone will assemble (or be permitted to assemble even!) in the vicinity of the bins?

Hot food waste is found in the Abbey Fields and all around Kenilworth - people will walk with it back to their homes and the open spaces and will litter in all the adjacent streets and even over onto the railway line which is just behind the garage where there are no bins. The same goes for cans and glass bottles which have value and should be recycled responsibly.

Noise levels frequently rise when groups are congregating and especially when fuelled by alcohol or rising blood sugars. Bins, CCTV and any other manner of 'measures' will not prevent the fact that those making use of the proposed facility will need to get home or to a suitable place to consume their purchases.

### Protection of Children

*That 'staff will be trained' and 'a refusals book operated'* is simply the establishment saying they will meet their legal obligation. In terms of the *'Challenge 25 policy'* it is well known in this area that there is a great deal of use of false ID in clubs and other establishments as it is.

It is also known that many buy alcohol for others who are underage despite this being illegal.

Why give any opportunity for this to occur under extended hours of night time when there are fewer natural checks and balances in place?

Many children roam around late at night especially when the nights get warmer, many visiting from outlying areas and some unable to get back home - there is no way that the applicant can protect any children via their proposed means. Making alcohol available all night is if anything likely to increase risk to children for many reasons (both at home and out on the streets) and of course alcohol and driving do not mix!

CCTV is something that generally gets looks at 'after the event' at which point it is usually far too late to prevent the damage or disturbed night experienced by others.

As residents of Kenilworth for over 25 years now, having previously lived in big cities, we urge the Council to refuse this entirely inappropriate application.

Kind regards, Kathryn and John Phillips

**Emma Dudgeon**

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**From:** Chris Thomas  
**Sent:** 14 February 2018 16:20  
**To:** Licensing  
**Subject:** Objection to premises licence application

Dear WDC,

As a close neighbours of the premises in question, we wish to submit an objection to the application for premises licence to cover 24 hours Monday to Sunday, by the **Shell Petrol Station, 173, Warwick Road, Kenilworth**, application number **WDCPREM008-01**.


- (i) This part of Warwick Road is predominantly residential, so the extension of trading , especially in alcohol, would be a severe disruption to the quality of life for residents.
- (ii) Noise pollution at night would certainly increase, as would the amount of litter to be removed.
- (iii) Young people would find this a convenient place to gather, perhaps as a counterweight to Abbey End, with undesirable behaviour as a result.
- (iv) With the availability of alcohol customers who had too much to drink cause safety hazard, especially sited on the main thoroughfare through Kenilworth.

We hope this comment will be of use to the committee considering the application

Yours ever

Chris and Daphne Thomas

141 Warwick Road, Kenilworth CV8 1HY

<b>Licensing Act 2003 Representation Form</b>	
<b>Section 1 - Application Details</b>	
<b>I object to the following Application:</b>	
Applicant's name (if known): Motor Fuel Limited Balasubramaniam Balamuhunthan  Premises name and address: Shell Kenilworth, 173 Warwick Road, Kenilworth, Warwickshire, CV8 1H	
Application for a	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing From Monday to Sunday from 07:00 to 22:30 to Monday to Sunday 24 hours.	Premises Licence..... <input checked="" type="checkbox"/> X  Club Premises Certificate..... <input type="checkbox"/>
Application Number WDCPREM00801	

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b> <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other_DR_____
Surname	DEAN
First name(s)	DEBORAH
Address (incl postcode):  137 WARWICK ROAD KENILWORTH WARWICKSHIRE CV8 1HY	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

This application poses a serious threat of disorder and public nuisance to the local neighbourhood.

The Shell garage is surrounded by residential housing and people wanting alcohol at very late or very early hours are at best unlikely to be conscious of, or responsible about, the local residents. Those customers from within Kenilworth will be young people who are already being moved on from drinking in the local parks and gathering areas. These are similarly unlikely to be conscious of or responsible about neighbouring residents. This is the best case scenario: equally probable is that 24-hour alcohol sales, cash sales and cash machine will make group/gang gathering and violence more likely.

It is difficult to see how taking what is a foreseeable risk with local residents' peace and safety can be justified on reasonable grounds.



If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
<b>My objection is relevant to the following licensing objective:</b>  <b><i>You can tick more than one box</i></b>	<input type="checkbox"/> Prevention of crime and disorder. <input type="checkbox"/> Prevention of public nuisance. <input type="checkbox"/> Protection of children from harm. <input type="checkbox"/> Public safety

<input type="checkbox"/>	I object to the application being granted at all
<input type="checkbox"/>	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
--

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

Signed.....

Date.....

### NOTES

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- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will

**Emma Dudgeon**

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**From:** S Taylor  
**Sent:** 14 February 2018 20:12  
**To:** Licensing  
**Subject:** Application Objection - 173 Warwick Road Shell Garage

Dear sir, madam

Re: Application from Shell Petrol Station, 173 Warwick Road to extend opening hours to accommodate alcohol and refreshment sales.

Please note that my young family and I strongly object to the application on the grounds that it is likely to cause public nuisance, potential for crime and disorder, lead to behaviours that threaten public safety and be detrimental to the area in general - especially in light of other proposed developments.

There is evidence for such disorder and wider negative impact when the garage previously opened for longer.

I understand the right of a business to apply but feel that the perceived benefits for the very few of approving the application would be significantly outweighed by the many negative effects on the great majority.

Yours faithfully,

S Taylor and Family  
11a Clarendon Road  
Cv8 1Hz

**Emma Dudgeon**

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**From:** Sue Oldfield  
**Sent:** 14 February 2018 22:37  
**To:** Licensing  
**Subject:** Fwd: License Application re Shell Garage 173 Warwick Road Kenilworth

Sent from my iPad

Begin forwarded message:

**From:** Sue Oldfield <  
**Date:** 14 February 2018 at 14:08:29 GMT  
**To:** "[Licensing@warwick.dc.gov.uk](mailto:Licensing@warwick.dc.gov.uk)" <[Licensing@warwick.dc.gov.uk](mailto:Licensing@warwick.dc.gov.uk)>  
**Subject:** License Application re Shell Garage 173 Warwick Road Kenilworth

I am the owner and resident of 159 Warwick Road , Kenilworth next door but one to the garage where I have lived with my family for 26 years. During this time we had many years of the Shell station being open 24 hours until it was restricted by Warwick District Council to opening hours of 7am to 11pm to protect the amenities of surrounding properties. I wish to object to the above application made by Motor Fuels Limited on the following grounds:

#### Public Nuisance

##### 1. Noise

We currently experience noise during the night due to taxi drop offs at the garage. However as the garage is closed, the passengers eventually make their way home and the noise is comparatively short lived although annoying as it often wakes us up.. If the shop were re-opened with food, cigarettes and drinks being available, I believe people would hang around as they previously did sometimes until 4 or 5am sitting at the tables at the Green Man or in the bus shelters ( one had to be removed due to persistent vandalism). This was all without alcohol being on sale , with the addition of an alcohol licence, I would see this would be even worse and become somewhere to continue drinking into the early hours.

In addition to taxi passengers I believe that the garage would become a place for people to congregate once the pubs in town have closed and also for local young people to meet. This will inevitably lead to more noise , disturbance and anti-social behaviour.

Cars pulling on to the forecourt, some with music blaring will also add to the noise .

##### 2. Vandalism

I expect the shop being open will lead to increased vandalism. When the shop was previously open we had the fence routinely pulled down, a fence post through the window, litter, food thrown over vehicles and over the windows and broken glass outside the property most weekends. Since the garage has closed these instances are fairly rare.

There is also a risk of vandalism to the garage itself , which could be far more dangerous considering the fuel on site.

##### 3 Toilet Facilities

Is Motor Fuel Limited proposing to offer toilet facilities to its customers during these hours? When the shop was previously open 24 hours I found I had to clean urine and faeces

from my porch which was regularly used as a toilet.

#### Crime and Disorder

Many of the customers who will use the facility at this time of night especially at weekends will have been out drinking before they get there. With food , cigarettes and more alcohol on sale I believe this will only lead to more acts of vandalism, fights, and general anti- social behaviour in the vicinity.

With local Police resources already over-stretched and with no permanent police presence in the town, I do not see that it would be sensible to grant this license.

#### Public Safety

Some of the customers may be smoking at the facility which could be hazardous around the fuel and gas tanks.

In summary , I believe that granting this license will be damaging to my family and to many other residents in the area . Living on the edge of the town centre and close to a public house , I realise that some noise and disturbance is inevitable from time to time however when the garage/shop was previously open 24 hours it sometimes became unbearable and were it to reopen I believe this situation would return.

Thankyou for your consideration

Regards

Sue Oldfield

**Emma Dudgeon**

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**From:** Graham Martin >  
**Sent:** 15 February 2018 14:59  
**To:** Licensing  
**Cc:** Graham Martin  
**Subject:** Comments on Licence Application No. WDCPREM00801  
**Attachments:** IMG\_4768.JPG

Dear Sir/Madam

**Licensing Application No: WDCPREM00801**  
**Re: Shell - Kenilworth, 173 Warwick Road, Kenilworth CV8 1HY**

As a resident who lives less than 13 metres from the perimeter wall of the Shell Garage, I **object** to the application made by the Motor Fuel Group for the filling station and shop to open and sell alcohol 24 hours a day and to provide late night refreshment 23:00 to 05:00. I object on the grounds of Public Nuisance.

1. Prior to the redevelopment of the Shell filling station in 2008, the premises were unofficially open 24 hours per day. The disturbances caused by young adults congregating at the filling station late at night to purchase food and drink, were totally unacceptable. The police were called on a number of occasions. Persons asleep in the back bedroom of my house were disturbed on a number of occasions. The main period of when these disturbances occurred was after public house closing times or when revellers returned from nightclubs in neighbouring towns, often at 2:00am or 3:00am. I do not wish this situation to reoccur.

2. In 2008, Warwick District Council Planning Authority imposed a condition on the operation of the Shell filling station that: "The use of the whole premises for the purposes of shop and fuel station shall be restricted to between the hours of 7:00am and 11:00pm, the reason being: To protect the amenities of surrounding properties, in accordance with Policy D2 of the Warwick District Local Plan 1996-2011." In 2010, the owners of the Shell filling station applied to have the above condition removed, to allow 24 hour opening. The application was refused. In 2011, the owners of the Shell filling station appealed against the decision. The appeal was dismissed by the Planning Inspectorate. I believe the underlying situation has not changed, that is in 2018 the amenities of the surrounding properties need to be protected, in accordance with Policy BE3 of the Warwick District Local Plan 2011–2029.

3. My third reason for objecting to the proposal relates to light and noise pollution. In 2008 the canopy of the filling station was raised, causing light pollution affecting the adjoining properties in Clarke's Avenue. This problem has been further exacerbated by the recent removal of coniferous vegetation by the wall at the rear of the filling station. There is almost sufficient light from the filling station alone in order to read in the upper-floor rooms of the adjoining properties in Clarke's Avenue. Whereas this can be tolerated until 11:00pm, I do not wish this situation to exist throughout the night. I attach a photograph taken from the rear bedroom of my property at 9:00pm on 12<sup>th</sup> February. It is interesting to compare the intensity of the light pollution emanating from the filling station with that from the two street light units shown near the top of the photograph. 24 hour opening will also result in use of the public address system during unsociable hours, it being the normal means for the filling station staff members to communicate with customers on the forecourt. Announcements made via the system are clearly audible in the residential properties adjacent to the filling system, even when doors and windows are closed. 24 hour opening of the filling station would be totally unacceptable to neighbouring properties in Clarke's Avenue. The filling station and shop is situated in a designated residential area and 24 hour opening would create a serious loss of amenity in terms of both noise and light pollution.

4. Finally, I believe that if the extended licence is granted, the amount of anti-social behaviour will increase. The availability of alcohol and food after the local pubs have closed will act as a magnet to revellers. Anti-social behaviour, particularly in terms of noise, is all too common at present, and that is without extended opening hours and the late availability of alcohol. Much of the anti-social behaviour is not reported to the police as offenders will have moved on before police officers arrive.

I believe that to grant the licence in question will be extremely damaging to the residents in the immediate vicinity of the Shell filling station and shop.

Kind regards

Graham R Martin

9 Clarke's Avenue  
Kenilworth CV8 1HX

Email:





**Emma Dudgeon**

---

**From:** Eliot Hatton  
**Sent:** 15 February 2018 18:45  
**To:** Licensing  
**Subject:** Licensing application by Motor Fuel Limited

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I would like to object to the application by Motor Fuel Limited for the Shell Kenilworth Service Station to extend the hours of sale of alcohol and to add the provision of late night refreshment.

There are already issues with late night anti-social behaviour by individuals and groups crossing the railway bridge on Clarke's Avenue and alcohol and refreshment sales through the night are bound to make this behaviour and general public nuisance even more commonplace.

I am also concerned that approving this application will lead to crime and disorder issues after local bars and pubs have closed leading to public safety issues.

I am strongly opposed to this application on these grounds, i.e public nuisance, crime and disorder and public safety.

Regards,

Eliot Hatton  
2 Clarke's Avenue  
Kenilworth  
CV8 1HX

**Emma Dudgeon**

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**From:** Kevin Smith  
**Sent:** 15 February 2018 20:56  
**To:** Licensing  
**Subject:** Public nuisance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I strongly wish to oppose the proposed 24hr opening for the sale of alcohol and also late night refreshments at the Shell Petrol Station.Warwick Road.Kenilworth. There is already plenty of noise at the weekend without having a meeting place for more anti social behavior.

Yours faithfully  
Kevin Smith  
10,Clarke's Avenue  
Kenilworth

**Emma Dudgeon**

---

**From:** Deb Michlig  
**Sent:** 15 February 2018 22:17  
**To:** Licensing  
**Subject:** Shell petrol station, 173 Warwick Rd, Kenilworth

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sirs,

I wish to object in the strongest terms to the proposed variation to the license for the Shell Garage at 173 Warwick Rd, Kenilworth.

Late night refreshment between 11pm and 5am would inevitably attract groups of people on their way home from a night out. Some years ago when the garage opened for late night trade we had noisy groups of youths gathering in Clarkes Ave between the garage and the footpath through to Farmer Ward Rd. There was antisocial behaviour, noise, food wrappings thrown into our garden, fights, and on one occasion someone vomited over the garden wall. This is very much a residential area and I would really dread the idea of all that starting again.

Alcohol sales would clearly add more problems. The customers most likely to cause problems locally would be those walking home, calling in at the garage for a last drink and then hanging around with friends in the vicinity drinking, shouting, etc. Please don't let this happen!

One last thing, which may not be your direct concern, but as I understand it the garage are not currently allowed to open 24hours for any sales at all - not even petrol. This was a condition of their planning permission when they refurbished the site a few years ago

Regards

Deb Michlig  
3 Clarkes Ave  
Kenilworth

**Emma Dudgeon**

---

**From:** Phil Webb <  
**Sent:** 18 February 2018 09:34  
**To:** Licensing  
**Subject:** Fwd: Shell petrol station 173 Warwick road Kenilworth

Dear All

- >
- > I would like to register my objections to the application from the Shell garage to open 24 hours a day and to sell alcohol.
- >
- > When they used to open 24 hours a day it was a complete nuisance, the noise at night, the broken bottles the large concrete flower tubs tipped over and rolled into the road, the police were called many times I had to call the 3 times in the middle of the night due to the noise, and the garage did not even sell alcohol then
- >
- > Now it operates as a garage 6am to 11pm it is on the whole nice and peaceful the only noise is the Greenman public house across the road from the garage when they all come out at 11 to 11-30pm and then all noise stops and we all get a nice peaceful sleep
- >
- > The Travellers / Gipsy are a big nuisance at night the noise/ the mess is not good and that's why some of the public houses shut early as they know the trouble they get later on at night, the police inform the public houses to either not open or close early as they do not have the manpower available If there is trouble.
- >
- > Can you imagine what it would be like at this end of Kenilworth if people could buy alcohol 24 hours a day, it would be a living hell, the bushes at the side of the garage on Clarke's avenue (which is a small close) are already used as a public toilet for some late night revellers and that would only get worse as it would become a meeting place, and that section of Clarke's avenue is used by the school children every weekday going over the bridge to and from school.
- >
- > Granting a 24 hour licence with alcohol would be detrimental to the area, the cost to the local council cleaning up the mess, the extra cost of policing the area, there are enough places to buy alcohol throughout the day without offering it for sale throughout the night, most people who want a drink go out and then at 11am start making their way home, the only ones who want to buy and drink through the night are usually the troublemakers the ones that cause general disorder, make a public nuisance of themselves, as the districts governing body you have a duty of care to the people of Kenilworth and not to outside companies just trying to make more money.
- >
- > public safety should override any business just after more money and have no thought for the local community, there are plenty of garages open 24hours a day for fuel, again this is a residential area with lots of very young children who need their rest.
- >
- > On the basis of the granting a 24 hour licence I object due to it being a residential area, it would cause a public nuisance due to excessive noise through the night from cars, motorcycles revving and the infernal tannoy of the person in the garage shouting through the load speaker telling people off which used to happen a lot when it was open 24 hours and just to repeat myself, all the extra cost to all services when all costs / budgets are being cut
- >
- > Regards Phil Webb
- >
- > 19 Clarke's Avenue
- > Kenilworth

**Emma Dudgeon**

---

**From:** John Bedington  
**Sent:** 18 February 2018 19:36  
**To:** Licensing  
**Subject:** Application for 24 hour drinks licence, Shell Garage, Warwick Rd, Kenilworth

Dear Sirs

**Application WDCPREM00801**

We wish to object to this application, living near the Warwick Road.

It seems to us that making alcohol available at the Shell garage all night will just encourage drunkenness and loutish and threatening behaviour in the Warwick Road and nearby. People coming out of the pubs who have already had enough to drink will call in the garage for some more cans and very likely consume them walking along the street at least on summer nights, throw the cans away anywhere, shout, sing and generally become intimidating. CCTV and rubbish bins at the petrol station will hardly touch the problem. The police have enough to do without having to deal with disorder here.

John and Rhoda Bedington,  
16, Moorlands Ave  
Kenilworth  
CV8 1HR

**Emma Dudgeon**

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**From:** Roger Renny  
**Sent:** 19 February 2018 11:23  
**To:** Licensing  
**Subject:** Shell Petrol Station,173 Warwick Road Kenilworth

To Whom It May Concern.

Objection to the application to vary the current liquor license to allow alcohol to be sold 24hrs per day x7Days a week.

Nuisance. Environmental Issues.

There will be additional loud noise from the extra traffic and and increased pedestrian use of these premises at unsocial hours.

The sale of alcohol and food will increase the problem of people using the entry to the public footpath in Clarkes Avenue as a toilet, as there are no public toilets in the vicinity. This was a major problem when this garage was allowed to open 24hrs previously. In addition the sales of alcohol and food at unsocial hours will increase the amount of litter in Clarkes Avenue, due to members of the public using these premises discarding empty bottles, cans and food containers, there being no litter bins in the street.

A planning application in 2010 to allow these premises to open 24hrs was refused on the grounds that there where sufficient alternative services within the locality,these have since been supplemented by the Jet Service Station( aprox 300metrse away) allowed to open 24hrs,which has a retail shop selling similar products. Under these circumstances there is no necessity for any further 24hr retail outlets

Objectors Details.

Mr & Mrs Renny  
 4 Clarkes Avenue  
 Kenilworth  
 CV8 1HX

**Emma Dudgeon**

---

**From:** Jenny Johnson  
**Sent:** 20 February 2018 12:09  
**To:** Licensing  
**Subject:** Ref WDCPREM00801 Warwick Rd petrol station Kenilworth

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Warwick dc

I oppose this application for selling of alcohol 24hrs or 11pm to 5 am.

Whilst you allow the travellers to hold their gypsy fair several times a year, I am have strong concerns that allowing the sale of alcohol after the pubs close will just encourage even louder and more unsociable behaviour. Adult travellers seem to work with their younger family members to steal from this petrol station. I have witnessed it many times so with this moral base I think there will be nothing to stop adults handing alcohol to minors. An inebriated adult is an unsociable animal but a child is even worse.

This is speculation, however,

At the very least people drinking out late leave behind their empty bottles, both broken and unbroken making it unsafe for children and animals. A person buying alcohol at this time of night is very likely to have been drinking already and wishes to top up with more. This kind of person is likely to then be fairly intoxicated and more likely to act unsociably with loud behaviour. Kenilworth is a small town with residential areas mixed in with commercial premises. Most people will be in bed asleep within these hours and will be disturbed by others buying and consuming alcohol at these late hours in the night.

With two shops in Kenilworth selling alcohol 8am til 9pm and several pubs open until closing hours surely we are well served with places wishing to sell alcohol already.

If this is approved I would expect a police man breathalysing and a street cleaner on 24 hour duty to monitor the area and clean up the broken glass that will be wholly inevitable.

I object to these proposals. If a license is granted it will be a Public Nuisance, encourage crime and Disorder, is risk to public safety and a risk to safety of children.

Resident Moorlands Avenue

Jenny Radford

Sent from my iPad

## Emma Dudgeon

---

**From:** Sally McCawley  
**Sent:** 23 February 2018 21:34  
**To:** Licensing  
**Subject:** Objections to Licensing Application for Shell Petrol Station, 173 Warwick Road, Kenilworth CV8 1HY

Hi,

We wish to strongly object to the Licensing Application for the Shell Petrol Station in Kenilworth which has been made by Motor Fuel Limited. Our property, 7 Clarkes Avenue, is immediately behind the garage and already experiences:

- Noise and fumes as people use the pumps
- The bright lights from the forecourt which illuminate the back rooms of the property – see photo below
- Noise from the night time loudspeaker at the shop window
- Noise and disturbance as people leave the Green Man pub opposite the garage, walk home past the garage and through Clarkes Avenue to the alleyway leading to Farmer Ward Road
- Noise and disturbances as people are dropped off at the garage late at night by taxi firms who won't take groups of people back to their own homes

The application for a 24 hour alcohol licence and late night refreshment from 11pm to 5am will only increase the above during very unsocial night time hours, as occurred when the garage previously opened for a 24 hour period (and without alcohol sales). Specifically our objections can be categorised as follows:

### Public Nuisance:

- The garage is located next door to our property and many other residential properties. The increased noise from cars using the garage and people going to and from the shop will be easily heard in our property and impact on the quality of life and sleep in our property and others
- People leaving the Green Man at closing time will call at the shop to buy additional alcohol and food. This will lead to increased noise and disturbance/drunken behaviour and consequential impact on residential properties including vandalism
- Use of the night time loudspeaker at the shop window will increase and impact on the quality of life and sleep in our property and others

### Crime and Disorder:

- Increased crime and unsocial behaviour in the Warwick Road and surrounding areas, including Clarkes Avenue, due to the availability of alcohol and food on a 24 hour basis which would naturally lead people to congregate at the garage and move through the immediate surrounding areas

### Public Safety:

- Increased crime and unsocial behaviour will threaten the safety of neighbouring residents and properties
- Increased smoking and drinking within the garage will be dangerous given the fuel and propane tanks located in and around the forecourt which are clearly visible

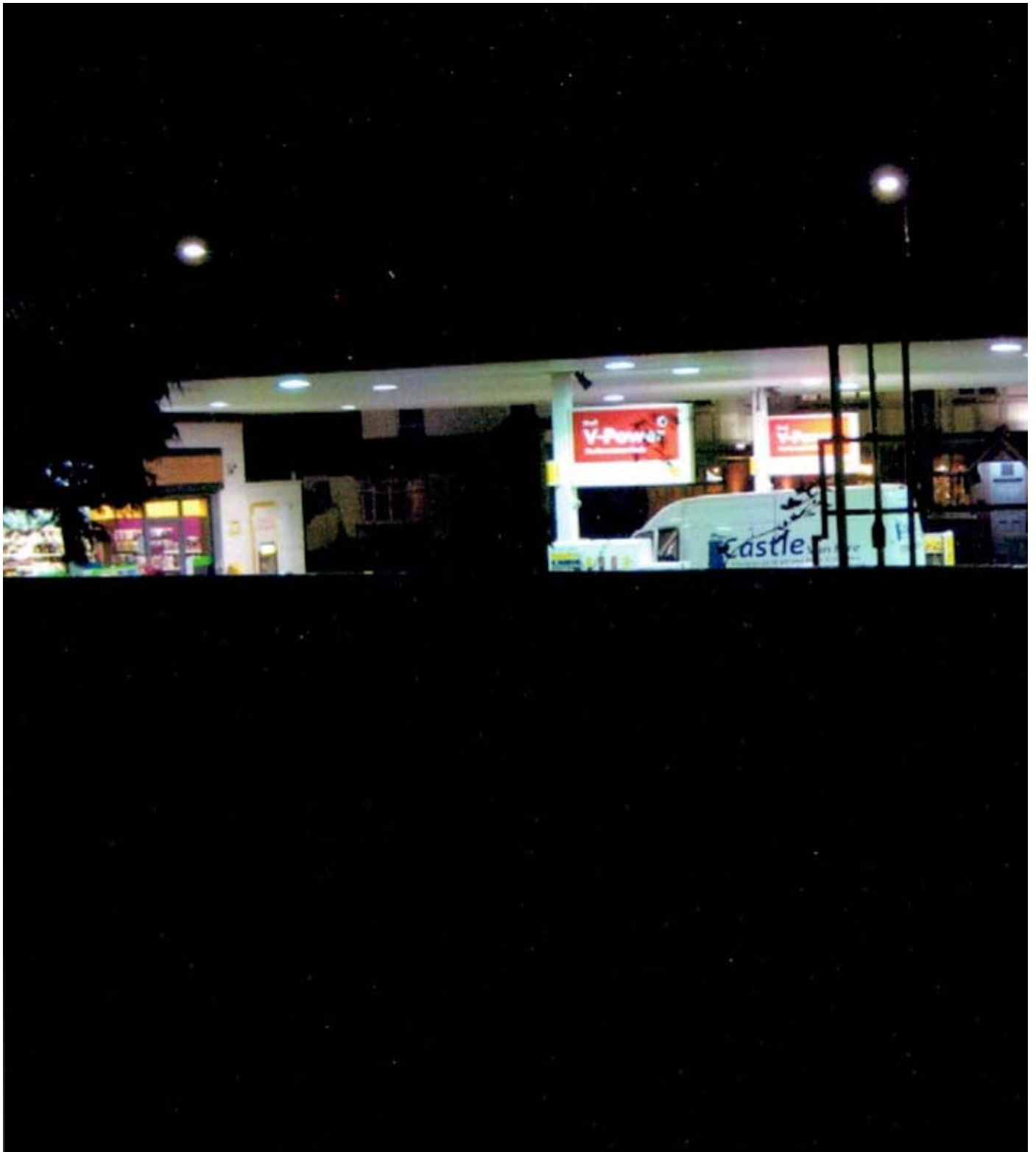
In summary, we object to the application which should be refused please. In addition, we don't believe it is needed in Kenilworth particularly as the Jet garage is already open 24 hours.

It should also be noted that some years ago, the garage applied for permission to increase the forecourt canopy height and this was only agreed on the basis that the garage did not open between 11:00pm and 7:00am. In 2010, the garage applied to have this condition removed and this was refused. The garage appealed in 2011/12 and the appeal was dismissed. We are concerned that this licence application is an attempt by the garage to circumvent and abuse the planning condition/system.



Yours sincerely

S McCawley and G Thomas



**Emma Dudgeon**

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**From:** Peter Legrun  
**Sent:** 25 February 2018 09:45  
**To:** Licensing  
**Subject:** Shell Petrol Station 173 Warwick Road Kenilworth

Dear Sirs

Re: License application for 24 hour Alcohol Sales at subject location.

May I request my objection be added to application on the grounds of potential public disorder.

To grant this application would set a precedent which others will inevitably follow with the consequences which are well publicised for locations which allow 24 hour sales and consumption of alcohol.

Also any increase in congestion at the junction of Clarkes Ave and Warwick Road will constitute a hazard.

Yours truly

P Beech  
16 Clarkes Ave  
CV8 1HX

<b>Licensing Act 2003 Representation Form</b>		
<b>Section 1 - Application Details</b>		
<b>I object to the following Application:</b>		
Applicant's name (if known): Balasubramaniam Balamuhunthan  Premises name and address: Shell Kenilworth, 173 Warwick Road, Kenilworth, Warwickshire, CV8 1HY		
Application for a	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>	
Application to vary an existing	Premises Licence..... <input checked="" type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>	
Application Number	WDCPREM00801	

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b>	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Other _____
Surname	Branscombe
First name(s)	Jane
Address (incl postcode):  21 Clarke's Ave., Kenilworth CV8 1HX	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
---------------------------------	--

Please state nature of representation:
--

Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><b><i>You can tick more than one box</i></b></p>	<p><input type="checkbox"/> Prevention of crime and disorder.</p> <p><input type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>

<div></div>	<p>I object to the application being granted at all</p> <p>I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)</p>
-------------	--

<p>Our objection is based on the following:</p>
---

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

I do not consider that the garage's immediate neighbourhood has changed since the last application for amended licence conditions, it is merely the change in business ownership that has prompted this most recent application to the council.

Clarke's Avenue is a quiet cul-de-sac, populated in the main by families with young children and retirees. It is those of us living there who will suffer if the garage is permitted to sell alcohol 24/7 and refreshments through the night. Noise can already be heard late in the evenings from the garage's customers, and I believe that all night customers would congregate noisily on the forecourt and onto Clarke's Avenue. It is likely to prove popular with young drinkers, who will then be looking for somewhere in the vicinity to consume their refreshments and alcohol, and I am concerned that it will lead to an increase in public disorder in the area immediately around the garage, with the potential for attendant crime and disorder.

Signed..... Jane Branscombe.....  
Date.....24/02/18.....

**Emma Dudgeon**

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**From:** SARAH MANTON  
**Sent:** 25 February 2018 16:33  
**To:** Licensing  
**Subject:** Application WDCPREM00801  
**Attachments:** Picture (Enhanced Metafile) 1.jpg

Dear Sir/Madam

**RE: APPLICATION WDCPREM00801**

**APPLICATION TO VARY PREMISES LICENCE  
MOTOR FUEL LIMITED SHELL KENILWORTH SERVICE STATION**

**173 WARWICK ROAD, KENILWORTH CV8 1HY**

As the owner/occupier of 5 Clarke's Avenue, Kenilworth CV8 1HX, I would like to place on record my objections to the above application as made by Balasubramaniam Balamuhunthan (Motor Fuel Limited) for Shell Kenilworth 173 Warwick Road, Kenilworth CV8 1HY on the following grounds.

- public nuisance
- crime and disorder
- public safety

My objections are as follows. I am the owner/resident of 5 Clarke's Avenue, Kenilworth and as such my boundary wall is shared with the named premises i.e. Shell Garage. The attached image is shown for clarity.



**Public Nuisance**

The Service Station in question is located adjacent to my own residence and in close proximity to many others in what is a primarily a residential area. It forms part of the conservation area of St Johns. It is also adjacent to the local church.

I strongly believe that the proposed license change would lead to a significant increase in the use of the garage at unsociable hours. The associated noise and disruption would directly impact upon the peace of mind and critically the sleep of myself and my guests.

Sadly this kind of disturbance already happens as the station already acts as a magnet for anti social behaviour as it seems to be an unofficial collection and drop off point for various taxi companies engaged in transporting revellers to and from the town late at night.

I believe that if the service station were to open for 24 hours, then even more people would see this as a convenient muster point and able to top up on their alcohol and food levels with the accompanying rowdiness that would undoubtedly accompany it.

Residents in our area already experience levels of anti social behaviour in the area including noise etc associated not only with the Green Man public house (opposite the petrol station) but from other "clientele" as they make their way along Warwick Road on their onward journeys. I can only imagine that if the station was open for business, selling food and alcohol then the problem would be significantly increased as this would make a far better place for people to congregate well after "normal" licensing hours have finished

From my own experience the local bus stop has previously been something of a meeting point for locals and any increase on the Shell hours would also mean that this stop makes a far better meeting point than any other on the main street.

I note that the planning application makes reference to staff training and responsibilities but I would question that this would actually be monitored since I have personally witnessed the tannoy system installed at the garage being used inappropriately by operatives who seem to take enjoyment from 'chatting' to colleagues/friends using this system at inopportune times.

### **Crime and Disorder**

It is my view that as per the reasons outlined above the late night opening of the Service Station would lead to an increase in crime and disorder on Warwick Road. The combination of available alcohol, food and cash would inevitably draw people to congregate there as a central point of convenience potentially leading to drunken confrontations and other unsavoury late night activity.

I have no doubt that the police can provide statistics showing police call out rates to this area and perhaps provide comparative figures for similar venues i.e. the Shell garage in Clarendon Avenue, Leamington Spa

### **Public Nuisance**

As a local resident of some years I am well aware of the stance that WDC has taken when reviewing previous licence applications have been made. An excerpt of the press comments in February 2012 noted that owners of the filling station in Warwick Road submitted an appeal to the planning inspectorate after Warwick District Council refused to remove a condition from a previous application to allow them to trade 24 hours a day. They said the district council gave too much weight to the residents and maintained no adverse impact would be had on the community if the station was able to trade through the night. However the appeal was dismissed



this week, mainly due to effect of the proposal on the living conditions of the people nearby, with particular regard to noise and disturbance. The planning inspector Barry Juniper reported that although the appellants had researched police records of complaints and established that there was no strong correlation between the number of incidents reported to the police and the established period of 24-hour operation, residents pointed out that many of the incidents were transient. They said they were a few minutes of drunken shouting, and so were enough to disturb sleep but not enough to precipitate the effort of making a formal complaint the following morning

I am of the opinion that there is every likelihood or indeed inevitability of alcohol related anti social behaviour, disorder and violence should this licensing request be approved.

Kind regards  
Sarah Manton

**Emma Dudgeon**

---

**From:** Jo Mourant  
**Sent:** 25 February 2018 21:40  
**To:** Licensing  
**Subject:** Licensing application wdcprem00801

Dear Sir/Madam

I would like to object to the following licensing application:

Shell Kenilworth 173 Warwick Rd Kenilworth CV8 1HY  
Ref: WDC PREM 00801  
Extension of hours and late night refreshments

I am writing to object to the application for a premise license by the Shell Garage Kenilworth. The basis for this opposition is that granting a license will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour. Enabling the premises to operate under extended hours would be a likely source of disorder and public disorder in the local area.

I am concerned that nearby residence will suffer noise nuisance and antisocial behaviour. Particularly for myself as I live on Clarke's Avenue immediately behind the garage.

In view of the above I would urge the licensing authority to refuse the application.

Yours faithfully

Jo Mourant  
17 Clarke's Avenue  
Kenilworth  
CV8 1HX

Sent from my iPhone

**Emma Dudgeon**

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**From:** Col M  
**Sent:** 25 February 2018 22:08  
**To:** Licensing; colin.murphy@hotmail.co.uk  
**Subject:** Shell Kenilworth Service Station

Dear Sir/Madam,

I am writing to object to the application for a premises licence by Motor Fuel Limited for Shell Kenilworth Service Station, 173 Kenilworth Road, Kenilworth, Warks, CV8 1HY. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.


The application proposes that alcohol will be sold for consumption off the premises between 00:00 and 24:00, seven days of the week along with late night refreshments between 23:00 and 05:00, again seven days a week. Granting a licence would provide a further source of alcohol within an area already populated with licenced premises.

My concern is that residents will suffer noise nuisance and antisocial behaviour at all hours of the day/night every day of the week. This is surely unacceptable and unjustifiable?

In view of the above I urge the authority to refuse the grant of licence.

Yours faithfully,

C Murphy  
17 Clarkes Avenue  
Kenilworth  
CV8 1HX

<b>Licensing Act 2003 Representation Form</b>		
<b>Section 1 - Application Details</b>		
<b>I object to the following Application:</b>		
Applicant's name (if known): Motor Fuel Limited Balasubramaniam Balamuhunthan  Premises name and address: Shell Kenilworth, 173 Warwick Road, Kenilworth, Warwickshire, CV8 1H		
Application for a	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>	
Application to vary an existing From Monday to Sunday from 07:00 to 22:30 to Monday to Sunday 24 hours.	Premises Licence..... <input checked="" type="checkbox"/> X  Club Premises Certificate..... <input type="checkbox"/>	
Application Number WDCPREM00801		

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b> <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other_DR_____
Surname	McDowell
First name(s)	Wallace
Address (incl postcode):  137 WARWICK ROAD KENILWORTH WARWICKSHIRE CV8 1HY	

**Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.**

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

I am concerned that this application does not serve the local community. I have never heard, and that includes my time as a Labour Council candidate for the St John's ward, a single Kenilworth resident complain about the lack of provision for late night alcohol.

Therefore the only potential market for this proposal would come from people outside of the area and I am worried that this massive unknown factor is where the real problems might lie for Kenilworth residents.

There is too much risk of disruption and more for a number of my neighbours, many of whom are elderly. On this basis I am concerned about the possibility of anti-social behaviour being imported into this part of town that would negatively impact on the residents

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
<p><b>My objection is relevant to the following licensing objective:</b></p> <p><i><b>You can tick more than one box</b></i></p>	<p><input type="checkbox"/> Prevention of crime and disorder.</p> <p><input type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>

<input type="checkbox"/>	I object to the application being granted at all
<input type="checkbox"/>	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
--

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

Signed.....

Date.....

### NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will

**Emma Dudgeon**

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**From:** Pollacco, Don  
**Sent:** 25 February 2018 23:05  
**To:** Licensing  
**Subject:** 24hr alcohol license at 173 Warwick Road, Shell Petrol Station

Hi

I've just been informed of an application for a 24hr alcohol license at the Shell Station, 173 Warwick Rd Kenilworth. I am astounded by this given that this premises is opposite the Green Man pub where responsible drinking occurs. I do not see the need for this additional and unwelcome source of alcohol given the pub's nearby location, and it can only lead to an increase in crime and disorder and public nuisance offences in the area. Given the business of the Warwick Road, encouraging an off-sells which could lead to enhanced road side drinking especially in the summer months, can only lead to dangerous situations for residences.

regards  
Don Pollacco

6 Clarkes Avenue  
Kenilworth  
CV8 1HX



**Emma Dudgeon**

---

**From:** Judith Pollacco  
**Sent:** 25 February 2018 22:29  
**To:** Licensing  
**Subject:** Shell petrol station Warwick Road

To whom this may concern:

We are residents of Clarke's Ave, Kenilworth and we would like to express our opposition to the licensing application made by the new owners of the Shell Petrol Station to allow 24 hour opening and alcohol sales. We feel that this would be very bad for the local community and there is great potential for anti-social behaviour in what is traditionally a quiet area with many elderly residents, which we find totally undesirable and unacceptable. We are also concerned about the increased crime this may cause in the area and the public safety of residents. Given that there is already a pub across the road and many out of hours licensed stores in the area, there is simply not a need or a demand for this kind of facility and we totally oppose this application. It would cause unnecessary disturbance and upset, without consideration for the local residents.

Yours faithfully,

Judith and Don Pollacco  
6 Clarke's Avenue

**Emma Dudgeon**

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**From:** Offer, Alison  
**Sent:** 26 February 2018 14:58  
**To:** Licensing  
**Subject:** Premises Licensing of Shell Garage Kenilworth

Please do **NOT** allow the Shell Garage of 173 Warwick Road Kenilworth Warwickshire CV8 1HY the extension of hours and late night refreshment.

Allowing the above will only cause the following **problems**:

Increase in noise for residents of the area

Litter dumped **NOT** in a bin

Congregation of youngsters in public areas causing noise **LATER** than 11pm

More broken glass, litter and food waste left on the ground in public parks, recreation areas. **I am a dog owner and when dogs are off their leads some areas can be hazardous.**

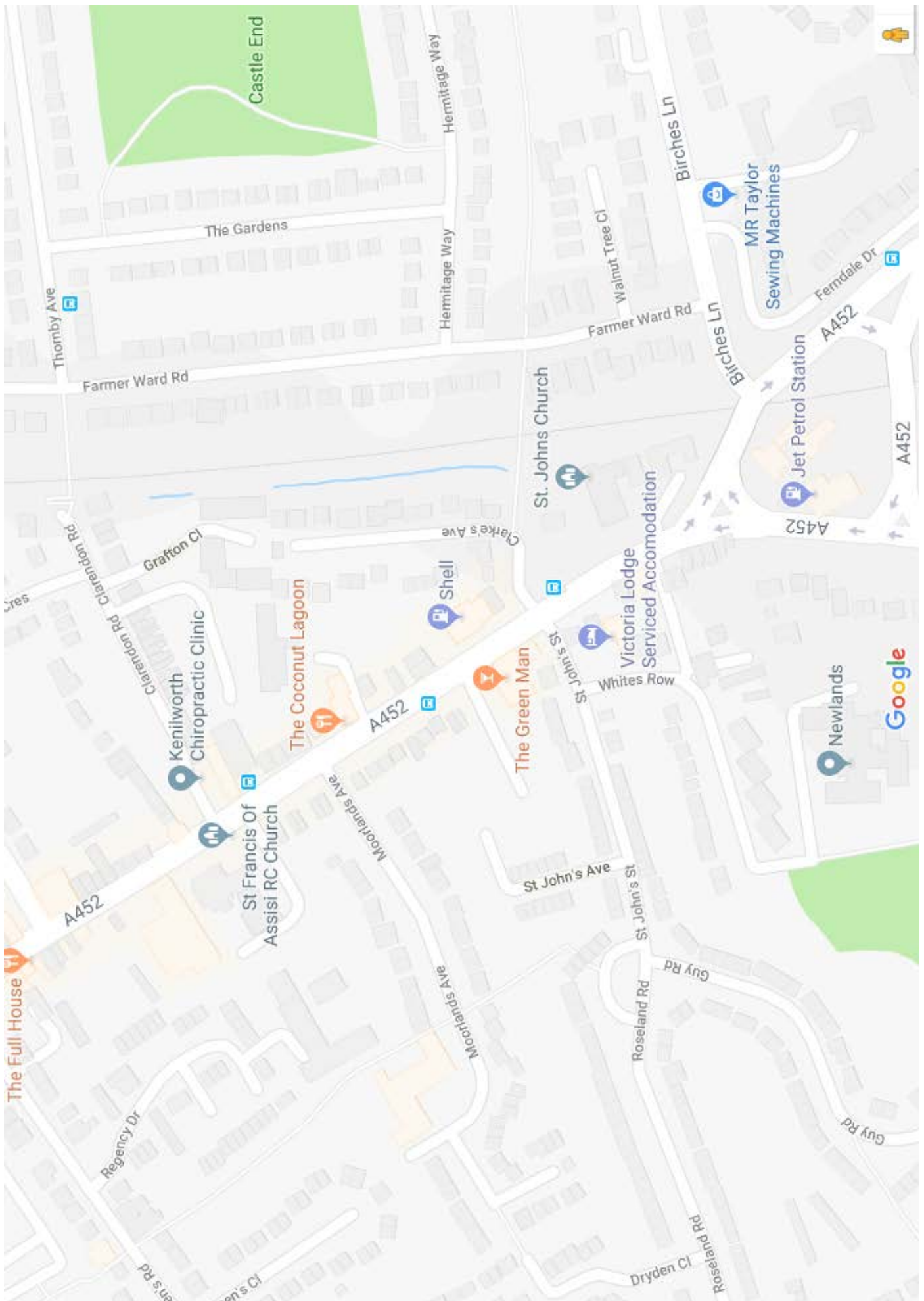
**Public Parks and Recreation Areas cover : Castle Farm Recreation and Sports Centre and Abbey Fields.**

**BROKEN GLASS has been found in the surrounding area of the Skateboard Park and beyond in Castle Farm.**

**We DO NOT WANT anymore.**

Thank you.

Mrs A. Offer









# **STATEMENT OF LICENSING POLICY**

**Reviewed May 2014 &  
Approved by Warwick District Council on 25 June 2014**



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## **1. Summary and purpose**

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and the guidance issued under Section 182 of the Act.
- 1.2 Warwick District Council (WDC) is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population exceeding 138,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 1.3 The policy will relate to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.
- 1.4 The aim of this Policy is to demonstrate how WDC, will promote the four licensing objectives. These objectives are:
- prevention of crime and disorder;
  - public safety;
  - prevention of public nuisance; and
  - protection of children from harm.

WDC recognises that the promotion of the Licensing Objectives relies heavily on a partnership between license holders, authorised persons, responsible authorities and other persons in pursuit of common aims.

- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and
  - that safe and well run entertainment premises are important to the local economy and vibrancy of the District.
- 1.6 This Statement provides guidance to Responsible Authorities, applicants for and holders of premises licences, objectors and residents on the general approach that the Licensing Authority will implement through its Licensing Committee
- 1.7 When making its decisions on licensing applications, the Licensing Authority will have regard to the matters contained in this Statement, the Act, the guidance issued under section 182 of the Act, the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions), and the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.
- 1.8 This Statement covers the period up to 30<sup>th</sup> August 2018 and will be kept under review and revised as required, following consultation where necessary.



## **2. Licensing Policy & South Warwickshire Community Safety Partnership**

- 2.1 The 1998 Crime and Disorder Act and subsequent amendments require the Police and local authorities to work together and with others to reduce crime and disorder. To this end, Crime & Disorder Reduction Partnerships were formed and are now called Community Safety Partnerships.
- 2.2 South Warwickshire Community Safety Partnership (SWCSP) was formed in September 2008 when the district crime and disorder partnerships for Stratford & Warwick districts merged following years of close collaboration. The vision statement for SWCSP is *‘that the districts should be an attractive, environmentally sustainable, desirable area to live in, work and visit, with a sense of safety which reflects the low risk of becoming a victim of crime in the area’*.
- 2.3 Tackling violent crime has remained a priority in Warwick District since 1998 with Leamington Town Centre as the main focus of partnership activity. Tackling violent crime and specifically street violent crime is one of three SWCSP priorities. A 60 point partnership action plan is in place to reduce violent crime and rowdy behaviour in our town centres.
- 2.4 The policy of working with licensees in South Warwickshire has delivered national best performance and practice.
- 2.5 The age group most likely to be victims and perpetrators of violent crime is 18-30. A key initiative to engage with this group is Operation ‘Your Town, Your Choice’ which takes place on pay-day weekends in hot-spots at the busiest times of 9pm to 4am. An early intervention approach is used utilising direct to leave dispersal authorities together with designated public places powers and has a real impact on reducing violence and rowdy behaviour.
- 2.6 This best example of partnership working across all agencies in South Warwickshire illustrates the commitment to tackling on-street violent crime. In addition enhanced policing, Street Marshals, Street Pastors and CCTV control rooms support this approach.
- 2.7 Joint Licensing Enforcement visits are a key feature of these evenings ensuring that licensees are taking their responsibilities seriously. Engagement with 18 to 30 year olds is carried out on roads closed to traffic. Health related activities are offered in exchange for completing questionnaires on particular themes, for example, pre-loading. Results from these activities and questionnaires inform how and when the hot-spots are staffed and how young people can be assisted in having an enjoyable and safe night. A unique partnership pilot with St John Ambulance Service has provided a care and repair service on busy nights in Leamington called ‘The Cabin’ and staffed by up to 10 volunteers.
- 2.8 A further developing part of this approach is the Street Pastor Scheme introduced in 2013. The scheme provides a vital service, and integrates well into the overall multi-agency approach adopted. Further information about Street Pastors may be obtained on their website at [www.leamingtonspa.streetpastors.org.uk](http://www.leamingtonspa.streetpastors.org.uk)

### **3 Delegation of Functions for Regulatory Matters**

- 3.1 The Council has established a Licensing Committee with delegated powers to deal with licensing matters
- 3.2 The Licensing Committee has delegated the decision making to Licensing Panels when a hearing is required. These Panels are sub-committees consisting of three members of the full Committee. All other matters that do not require hearings have, upon Home Office advice, been delegated to officers.

### **4 Further Strategies**

- 4.1 WDC has adopted the following strategies that it feels will help it to achieve its desired goals:
- It will work together with all partners as well as local businesses and residents to try to achieve an acceptable level of harmonisation between the two, accepting that this may not always be possible.
  - It accepts that an active and successful Crime and Disorder Partnership is one of the key factors in achieving its desired goals.
  - It recognises the importance of working with other agencies and holds and organises a Multi- Agency Licensing Group on a regular basis to discuss any problems that may arise within its district.
  - The value of action plans as a method of obtaining compliance from premises is recognised and used whenever they become necessary.
  - An Enforcement Policy which incorporates the Regulator's Compliance Code has been adopted. Both of these may be found on WDC's website,
  - In recognising the need to minimise late night noise nuisance, WDC would expect that after 23.00 all persons outside the premises would move indoors, and that any sound, amplified or unamplified, from within the premises should not disturb residents in neighbouring domestic properties. However, any conditions added to the premises licence to achieve this aim will be proportionate, enforceable and relevant to that particular premise.
  - WDC has adopted a special policy addressing the cumulative impact of the number of licensed premises in Leamington Spa Town Centre. Full information on this policy may be found at paragraph 10 below.

### **5. The four Licensing Objectives**

#### **5.1 Prevention of Crime and Disorder**

- 5.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions, and to do all it reasonably can to prevent crime and disorder in the District.
- 5.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

- 5.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for high levels of disorder that this type of premises may cause to the night time environment.
- 5.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.
- 5.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:–
- planning controls;
  - enforcement of Environmental Protection legislation (e.g. on noise nuisance);
  - positive measures to provide a safer and clean town centre;
  - environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
  - powers to designate parts of the District as restricted alcohol areas
  - police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
  - dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
  - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - confiscation of alcohol from adults and others in designated areas;
  - all current police and local authority powers of closure in force at the time
  - the power of police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

## **5.2 Public safety**

- 5.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

## **5.3 Prevention of public nuisance**

- 5.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. The conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
  - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and

- consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

5.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all patrons of a licensed premises will move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

5.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were still being achieved.

5.3.4 The Licensing Authority expects that premises should usually be closed within half an hour of the end of the last licensable activity.

5.3.5 The Live Music Act 2012 removed live music from the scope of the Licensing Authority, subject to the satisfaction of certain criteria, so it is recognised that its controls in this respect have been reduced. However, conditions may be added or reinstated at a review hearing which will bring live music for that particular premises into the licensing regime. This means that it would be within the licensing Authority's powers, at a review hearing, to place a condition on the premises licence prohibiting the playing of live music at any time. This may arise, for example, if the premises is not suitable for the live music being played; or if frequent disturbance is being caused by the music.

#### **5.4 Prevention of Harm to Children**

5.4.1 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. However, this authority does not consider that children should be encouraged to mix in areas that are frequented by the adult drinking public, such as busy town centres. For this reason, birthday parties, etc., for the 18 and under demographic will be actively discouraged in these area.

5.4.2 Areas that may give rise to particular concern in respect of children include premises:

- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises;
- Where entertainment of an adult or sexual nature may be provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

5.4.3 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- Limitations on the hours when children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;

- Requirements for an accompanying adult;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.4.4 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

5.4.5 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

5.4.6 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

5.4.7 The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children. Such conditions will be appropriate to the premises and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.4.8 The Licensing Authority expects all premises to comply with statutory conditions requiring that a policy must be adopted, laying out how they will address underage drinking. This must be shown in the operating schedule of any premises licence application or variation.

**NOTE:** In the event of any variation submitted to remove any conditions where a hearing is necessary, evidence would be expected to be submitted to the Licensing Panel by the applicant that the change would not impact on the licensing objectives

## **5.5 Health**

5.5.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.

5.5.1 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

## **5.6 The Licensing Authority as a Responsible Authority**

- 5.6.1 The Licensing Authority are empowered to make representations against new applications for and variations applications to premises licences, as well as call for a review.
- 5.6.2 A procedure has been put into place to ensure that any representation made by the Licensing Authority as a Responsible Authority will be made without prejudicing its ability to determine the application in a fair and objective manner.

## **6. Other Considerations**

### **6.1 Live Music, Dancing & Theatre**

- 6.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance to residents will try to be balanced with the wider cultural benefits to the wider population.

### **6.2 Integration of Strategies**

- 6.2.1 The Licensing Authority will secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:
- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
  - Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.
- 6.2.2 Specific conditions may be attached to premises licences, where appropriate, to reflect local crime prevention strategies. Such conditions may include
- the correct use of well installed closed circuit television cameras;
  - the provision and use of shatterproof drinking receptacles;
  - a drugs and weapons search policy;
  - the use of ID scanners
  - the use of registered door supervisors;
  - specialised lighting requirements;
  - restrictions on hours of opening and licensable activities.
- 6.2.3 Certificates issued to club premises will reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

## **7 Other regulatory regimes**

- 7.1 This policy will avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

## **7.2 Health and Safety**

- 7.2.1 Premises will normally have been visited by the Council's Health and Community Protection inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions that duplicate statutory H&S requirements.

## **7.3 Fire Safety**

- 7.3.1 Premises and their operators will have statutory duties under the current fire safety regime to ensure the safety of patrons visiting the premises. The operating schedule should state the precautions that will be taken to ensure the safety of the public.

## **7.4 Food Hygiene**

- 7.4.1 Premises selling alcohol and/or premises engaged in a food business must be registered with WDC and subject to risk-based food hygiene inspections at regular intervals. The inspections are carried out by the council's Health and Community Protection officers.

## **7.5 Noise**

- 7.5.1 Statutory and public nuisances are dealt with by the Council's Health and Community Safety Section under the Environmental Protection Act 1990 and associated legislation.

## **7.6 Planning**

- 7.6.1 Premises that apply for a licence or a variation of a licence should be aware that they may also need planning permission to carry out the activities applied for.

## **8 Standard Conditions**

- 8.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences will be tailored to the individual styles and characteristics of the premises and events concerned and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

## **9 Enforcement**

- 9.1 Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Licensing Group.

## **10 Special Policy Regarding Cumulative Impact**

- 10.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 10.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in the relevant part of the guidance issued under section 182 of the Act.
- 10.3 The Licensing Authority formed two saturation zones, based on information supplied in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 10.4 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. Properties on both sides of any road which borders the zone are deemed to be included within the zone. A plan of the zone may be found at the end of this policy as Appendix 1.
- 10.5 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.
- 10.6 The special policy regarding cumulative impact will not be used to try to revoke an existing licence or certificate when representations are made about the way the premises are being operated. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 10.7 The Licensing Authority will not operate a quota of any description including the special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 10.8 If an application for a premises licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives**



10.9 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.

10.10 The policy will be subject to review.

## **11 Responsible Authorities**

11.1 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy as Appendix 2.

11.2 Responsible Authorities are able to make representations regarding new or variation applications for premises licences and also to seek a review of a current premises licence.

11.3 Representations will only be relevant if they relate to one or more of the licensing objectives referred to in paragraph 5.

## **12. Early Morning Restriction Orders (EMROs) and Late Night Levy (LNL)**

12.1 Following a report from officers, Warwick District Council's Licensing Committee recommended to full Council that it was felt, at the current time, the application of a LNL or EMROs was not appropriate for the council's area.

12.2 The Licensing Committee's recommendation was accepted by full Council during 2013.

12.3 However this Council, in March 2014, has requested officers to review the situation subsequent to Central Government's current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District.

## **13 Restricted Drinking Zone**

13.1 The Criminal Justice and Police Act 2001 includes a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The act gives local authorities the power to designate areas 'Restricted Drinking Zones' where it will become an offence for any person to drink alcohol after being requested not to do so by a police officer.

13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.

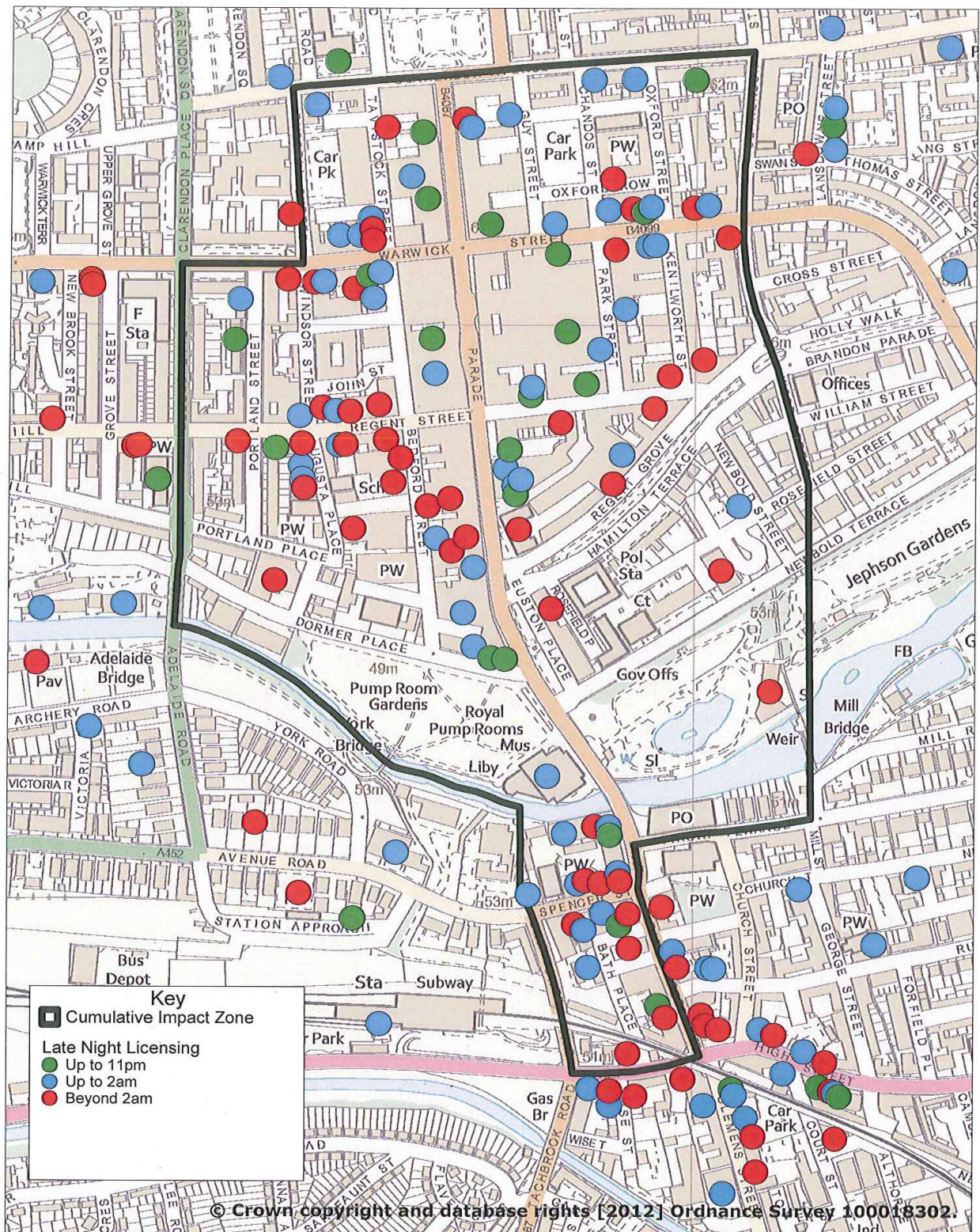
13.2 This means that, anywhere in the district, it is an arrestable offence to fail, without reasonable excuse, to comply with a police officer's request to cease drinking alcohol. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession.

## **14 Further Information**

- 14.1 The Licensing Authority has produced guidance documents for applicants.
- 14.2 The Council's Health and Community Protection Section offers advice on the process for, and, progress of, applications and as to whether particular activities need to be licensed. If detailed advice on the requirements of the legislation and how it affects you and your premises is required, independent legal advice should be sought.
- 14.3 The granting of a licence under the Licensing Act 2003 does not obviate the need for permissions or consents required under other legislation.



## Appendix 1 – Cumulative Impact Zone (current for 2013)



### Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410





## **Appendix 2 – List of Responsible Authorities**

### **POLICE:**

Chief Officer of Police  
Warwickshire Police Licensing Team  
Warwickshire Justice Centre Leamington Spa  
Newbold Terrace  
Leamington Spa  
Warwickshire  
CV32 4EL

Tel: 01926 684033  
Fax: 01926 684038  
Email: [Liquor.Licensing@warwickshire.pnn.police.uk](mailto:Liquor.Licensing@warwickshire.pnn.police.uk)

### **FIRE AUTHORITY:**

County Fire Officer  
Warwickshire Fire & Rescue Service  
Warwick Street  
Leamington Spa  
CV32 5LH

Tel: 01926 423231  
E.Mail: [firesafety@warwickshire.gov.uk](mailto:firesafety@warwickshire.gov.uk)

### **ENFORCEMENT AGENCY FOR HEALTH AND SAFETY:**

Regulatory Manager  
Health and Community Protection  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Tel: 01926 456707  
Email: [ehsafety@warwickdc.gov.uk](mailto:ehsafety@warwickdc.gov.uk)

### **AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:**

Environmental Sustainability Manager  
Health and Community Protection  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Tel: 01926 456714  
Email: [ehpollution@warwickdc.gov.uk](mailto:ehpollution@warwickdc.gov.uk)

### **THE LICENSING AUTHORITY:**

Safer Communities Manager  
Health and Community Protection  
Warwick District Council  
Riverside House  
Milverton Hill

Royal Leamington Spa  
CV32 5HZ

Tel:  
Email:

**AUTHORITY RESPONSIBLE FOR PLANNING:**

Gary Fisher  
Group Leader Development Control  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Tel: 01926 456541  
Email: [gary.fisher@warwickdc.gov.uk](mailto:gary.fisher@warwickdc.gov.uk)

**BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:**

Keith Edwards  
Assistant Head of Service  
Planning and Performance Children  
Young People and Families Directorate  
Saltisford Office Park,  
Ansell Way  
Warwick  
CV34 4UL

Tel: 01926 731139  
Email: [sslicensingapplications@warwickshire.gov.uk](mailto:sslicensingapplications@warwickshire.gov.uk)

**WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):**

Simon Coupe  
Divisional Trading Standards Officer  
Old Budbrooke Road  
Warwick  
CV35 7DP

Tel: 01926 414040  
Email: [simoncoupe@warwickshire.gov.uk](mailto:simoncoupe@warwickshire.gov.uk)

**PUBLIC HEALTH ENGLAND:**

Public Health Department (Licensing)  
NHSWarwickshire/Warwickshire County Council  
PO Box 43 – Shire Hall  
Warwick  
CV34 4SX

Email:  
[PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk](mailto:PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk)