

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Monday 6 June 2011, at the Town Hall, Royal Leamington Spa at 2.00 pm.

PANEL MEMBERS: Councillors Mrs Bromley, Gill and Mellor.

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

1. **APPOINTMENT OF CHAIRMAN**

RESOLVED that Councillor Mrs Mellor be appointed as Chairman for the hearing.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR ALBION STREET GENERAL STORE, 87 ALBION STREET, KENILWORTH**

A report from Community Protection was submitted which sought a decision on a premises licence application in respect of Albion Street General Store, 87 Albion Street, Kenilworth.

The Chairman introduced the members of the Panel and the officers present and then asked all other parties to introduce themselves.

Mr Wayne was present to represent the applicant, Mr S Rajkumar who was also present. Councillor Mrs Blacklock and Mrs Bramwell were both present to represent their objections to the application.

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

The Licensing Manager, Mr David Davies, outlined the report and asked the Panel to consider all the information contained within the report and determine if the application for a premises licence should be approved.

The report referred to those matters to which the Panel had to give consideration, the statutory guidance issued by the Secretary of State, the Council's Licensing Policy Statement and the Licensing objectives.

The report from Community Protection which was submitted to the Panel presented an application to permit the sale of alcohol for consumption off the premises between 08:00 and 21:00 seven days a week.

The applicant had also submitted an operating schedule, which was detailed in the report, that would form conditions within the licence.

LICENSING PANEL HEARING MINUTES (Continued)

Mr Wayne explained to the Panel that, in the opinion of the applicant, this was a simple application for off sales as part of a local convenience store. Background work had been undertaken with Warwickshire Police who were satisfied with the substantial operating schedule which would include the installation of cctv at the premises. This would be the applicants third store and his second in Kenilworth (one of which was close to the home of Councillor Mrs Blacklock) and to date no issues had been raised by the Police about any of these stores. In the opinion of the applicant the problems in the area referred to in the objections appeared to relate to previous problems that had been resolved and no issues had been highlighted since the store opened.

Mr Wayne added that his client was a responsible shop owner and if problems did arise he would be willing to work with the community and the police to resolve them.

The applicants representative responded to questions from the panel explaining the following points:

- The applicant took the safety of his premises very seriously which was why the significant level of detail was included within the operating schedule including the fire safety policy;
- The sale of alcohol to people underage and proxy selling was an issue for all premises and the applicant would ensure that a training program was in place for all members of staff and would install reminders for staff by tills to act as prompts; and
- There would be training to the NCPLH level but this will take time and in the interim there would be in house training, however, the applicant and three members of his family were personal licence holders and at least one of them would always be present at the shop.

Councillor Mrs Blacklock asked a question of clarification from the Licensing Services Manager who explained that the sale of alcohol had to be made by a person over the age of 18 years.

Mrs Bramwell outlined her objection to the application, as set out in the agenda, and amplified that there had been some vulgar and disgusting problems in the area and with less police on the street these problems could return. There had been a number of robberies from the area and this premises would be seen as an easy target.

Councillor Mrs Blacklock outlined her objection as set out in the agenda explaining there had been serious anti social behavior problems in the area and, although it was a separate regulatory body, a planning application had been refused for this site because of the potential for anti social behavior from the premises. She felt that there would also be potential noise disturbance to local residents, some of whom were elderly and vulnerable, from customers late in the evenings.

Mrs Bramwell and Mrs Blacklock responded to questions from the applicants representative and the Panel explaining the following points:

- They were not aware of problems since the shop opened, but school children did congregate outside the shop when they came out of school and this had caused disturbance to some residents; and

LICENSING PANEL HEARING MINUTES (Continued)

- To their knowledge the Police had not attended any incidents at the premises.

The applicants agent, at the request of the Chairman, summarised the application and explained that the other application referred to could not be considered relevant to the determination of this application. The shop had been open for a few weeks and no problems had been raised to date and the residents above the shop have not objected to the application. In addition the premises on the opposite side of the road held a licence for the sale of alcohol for consumption off the premises and was licensed to open later than the application of his client would result in.

The Chairman asked all parties to leave the room at 2.45pm to enable the Panel to consider the information submitted to them and determine the application.

RESOLVED that after considering the application and representations received the Panel were of the opinion that the application should be granted as outlined in the report.

At 3:05 pm all parties were invited back into the meeting, informed of the decision and were reminded that they had 21 days from the date of publication of this decision to appeal to the Magistrates Court.

In addition the Panel took the opportunity to remind all parties that there was a right to review the licence in the event of any incidents which impacted on the licensing objectives e.g. Crime and Disorder and Public Nuisance.

(The meeting finished at 3.05 pm)