

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Monday 1 June 2015, at the Town Hall, Royal Leamington Spa at 11.00 am.

Present: Councillors Cain, Illingworth and Weed

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

1. Appointment of Chairman

Resolved that Councillor Illingworth 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 McColls, 33 Crown Way, Royal Leamington Spa

The Panel considered a report from Community Protection which sought a decision on an application from Martin McColl Limited.

The Chair, members of the Panel and officers introduced themselves. The other parties then introduced themselves as the applicant's representative Mr Lockett, from Lockett & Co, a local resident Mr Calver and County and Town Councillor Mrs Boad, both of whom had objected to the application.

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

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, and to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

The report outlined the application for the following:

	Sale of Alcohol for Consumption off the premises	Opening hours
Everyday	06:00 to 23:00	06:00 to 23:00

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

The Licensing Officer advised that representations had been received from a local resident Mr Calver and County and Town Councillor Mrs Boad. Their representations were attached at Appendices 1 and 2 to the report.

Mr Lockett outlined his client's application and advised that McColls Limited were looking at changing the emphasis of its business from Cigarettes, Tobacco and News (CTN) following the ruling on 1 April 2015 that all cigarettes had to be covered from public view.

He advised that the company wanted the store at Crown Way to be redesigned in order to sell a wider range of produce including spirits, beers and wine. Mr Lockett explained the proposed layout of the store and advised that there was full CCTV coverage inside the premise which was monitored in the back office and stored at head office.

McColls operated a challenge 25 policy and all staff would be trained prior to starting employment with refresher training every six months. Mr Lockett explained that McColls Limited was conscious that this was a community location and it had tried to liaise with County Councillors but mediation had been unsuccessful.

Mr Lockett also highlighted that there had been no objection received from any of the responsible authorities and there was no evidence to back up the concerns of the interested parties present.

In response to questions from the Panel, Mr Lockett confirmed that the CCTV cameras detailed on the plan were already in place along with security shutters. He also advised that one member of staff would most likely be on shift in the morning with a potential for two staff later on. Following further questioning, Mr Lockett advised that he would not be happy to have the staffing numbers restricted by a condition.

Following a question from Councillor Mrs Boad, Mr Lockett advised that he had not engaged with the Police on this occasion because they had not made any representations. The Licensing Officer confirmed the procedures that the Licensing Team took when it received an application and assured the Panel that the Police had been sent their copy.

Mr Calver addressed the Panel and referred to the six objections he had outlined in his letter at Appendix 1 to the report. He felt that, if granted, the licence would encourage drinking in the area and was concerned about the early opening hours of the shop.

Councillor Mrs Boad outlined the Town Council's objection and stated that she was horrified by the opening hours. She explained that this was an open area that had always had issues with people sitting and drinking in the square. Councillor Mrs Boad advised that school children walked through the square on the way to and from school and was not happy that there would be an opportunity to purchase alcohol from 6am. In addition, she stated that she had attended a meeting that morning with the local beat manager who was surprised that the Police had raised no objection and was returning to the station to check on the details.

The applicant was given the opportunity to sum up and reminded the Panel that the 'need' for another shop selling alcohol was immaterial. Mr Lockett highlighted that with the operating schedule and robust conditions, the business would be able to trade well. He stated that there had been no noise or Environmental Health issues or any problems raised by the Police or Trading Standards. Mr Lockett therefore requested that the Panel support the application.

At 11:55 am the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

At 12:56 pm all parties were invited back into the room, at which time the Chairman advised that the Panel had listened to the applicant and the responsible authorities and considered the statutory guidance and the Warwick District Council statement of licensing policy. The Panel

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

	Sale of Alcohol for Consumption off the premises	Opening hours
Everyday	06:00 to 23:00	06:00 to 23:00

The Panel noted that there had been no objection from the Police or Environmental Health or any other responsible authority.

Firstly, the Panel thanked Mr Calver and Councillor Mrs Boad for attending the panel today to object to the application.

As the parties were aware, when considering applications for premises licenses the Panel had to consider each case on its own merits and must only take into account factual evidence supporting the grant or refusal of a licence when coming to its decision and must not take into account speculation or conjecture regarding the impact of a grant of a licence on the licensing objectives. The Panel had considered whether the hours should be reduced and whether a condition should be imposed requiring a minimum staffing level of two members of staff at all times. The Panel considered that there was insufficient evidence before it to demonstrate that such measures would be appropriate or proportionate.

The Panel was surprised in light of Councillor Mrs Boad's comments that there had been no objection from the Police.

Whilst the Panel empathised with the concerns of Councillor Mrs Boad and Mr Calver in relation to the grant of the licence in the terms applied for, the Panel felt unable to impose any further requirements on the applicant as there was insufficient evidence to do so.

The Panel, however, pointed out to the objectors that there were measures provided by the Licensing Act 2003 to review the licence if there were problems at the premises once the licence had been granted and the Panel hoped that this would provide Councillor Mrs Boad and Mr Calver with some comfort.

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

(The meeting ended at 1:00pm)