

 Licensing & Regulatory Committee 10 May 2016		Agenda Item No. 3
Title	Application for a variation of a premises licence under the Licensing Act 2003 for Johnny's Supermarket, 81a Shrubland Street, Royal Leamington Spa.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	28.4.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	25.4.2016	Moirra-Ann Grainger
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for the variation of a premises licence from Mr Elaiyathamby Suthanthira Kumar for Johnny's Supermarket, 81a Shrubland Street, Royal Leamington Spa.
- 1.2 A representation has 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 a variation of the premises licence for Johnny's Supermarket, 81a Shrubland Street, Royal Leamington Spa, should be granted and, if so, whether the licence should be subject to any conditions.

3. THE APPLICATION

- 3.1 Mr Kumar applied for a variation of the premises licence for Johnny's Supermarket, 81a Shrubland Street, Royal Leamington Spa, on 19 March 2016.
- 3.2 The variation application is to amend the current licensable hours including the removal of specified hours for Christmas Day and Good Friday. The details of the variation requested are set out in the tables below:

Current premises licence

	Sale of alcohol for consumption off the premises	Opening Hours
Weekdays	08:00 to 23:00	08:00 to 23:00
Sunday	10:00 to 22:30	10:00 to 22:30
Christmas Day	12:00 to 15:00 then 19:00 to 22:30	12:00 to 15:00 then 19:00 to 22:30
Good Friday	08:00 to 22:30	08:00 to 22:30

Variation application

	Sale of alcohol for consumption off the premises	Opening Hours
Monday to Saturday	06:00 to 24:00	06:00 to 24:00
Sunday	07:00 to 23:00	07:00 to 23:00

- 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:

The prevention of crime and disorder

- CCTV, accessible live from phone (e.g. live feed)
- Alarm System.

- Use of shutters during closed times.

Public Safety

- CCTV (1 month recorded)
- Alarm Systems.

The prevention of public nuisance

- No sale outside commission time.

The protection of children from harm

- Refusal of sale to those who purchase on behalf of children and those without ID.

3.4 A representation has been received from Warwickshire Police attached as appendix 1.

3.5 No representations have been received from:

- Fire Authority
- Enforcement Agency for Health and Safety.
- Environmental Health
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health
- Body responsible for the protection of children from harm
- Warwickshire County Council (Weights and Measures)

3.6 The premises has held a premises licence under the Licensing Act 2003 since 2006, however, there was a licence for the premises under the Licensing Act 1964. Since the licence was granted under the Licensing Act 2006 no complaints have been received by the Licensing Department.

3.7 A plan of the premises is attached as appendix 2 and a map of the area is attached as appendix 3.

4. **POLICY FRAMEWORK**

4.1 When considering the application the panel must 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 4)
- 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.

- 4.2 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.
- 4.3 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.

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.