

		Licensing Panel 19th April 2012	Agenda Item No. 5
Title	Application for a premises licence under the Licensing Act 2003		
For further information about this report please contact	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk		
Service Area	Community Protection		
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No		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

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	03/04/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	03/04/2012	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?	Yes	

1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol must hold a premises licence.

2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report, and decide whether the application for a premises licence should be approved, and, if so, whether it should be subject to any conditions.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Kamaljit Kaur has applied for a premises licence for Tachbrook Convenience Store, 111-113 Tachbrook Road, Leamington Spa to permit the following:

The sale of alcohol off the premises

09:00 to 23:00 seven days a week

- 3.2 An operating schedule, which would explain any steps to be taken by the applicant to promote the four licensing objectives, and will form part of any premises licence granted has been submitted as follows:

The Prevention of Crime and Disorder

- CCTV shall be installed to the current British Standard BS7958 and include:
Cameras shall cover all public areas with no blind spots
Head and facial recognition coverage.
Must be recordable and retained for a minimum of 31 days
Images must record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.
At least one member of staff should be on duty at all times who is able to operate, access and download the images on request of the Police or Local Authority
- A refusal book must be kept and all sales refused to intoxicated customers must be recorded.

The Protection of Children from Harm

- Challenge 25 must be adopted and used with clear signage indicating this. The only ID that will be accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.
- A refusal book shall be kept when any sale of alcohol is refused.

3.3 Representations received

Representations against the application have been received from Interested Parties shown as Appendices 1 and 2. After discussions with Warwickshire Police, the applicant has accepted conditions which have been incorporated into the operating schedule above.

- 3.4 The premises previously held a premises licence but this lapsed when the company that held it was declared bankrupt. This is, therefore, a new application. *For reference purposes only*, the premises previously held a licence for the sale of alcohol off the premises from 06:00 to 23:00 seven days a week.
- 3.5 A plan of the area is shown as Appendix 3
- 3.6 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 (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.

- 3.7 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 compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.
- 3.8 Details of the procedure adopted by the Licensing Committee for Panel Hearings has 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.

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

- 6.1 None

7. **BACKGROUND**

- 7.1 None.