



Agenda Item 3

Licensing and Regulatory Committee
16 November 2021

Title: Application for a review of the premises licence issued under the Licensing Act 2003 for Binswood News Limited.

Lead Officer: Rachael Russell
Portfolio Holder: Judy Falp
Confidential report: No

Wards of the District directly affected: Leamington Milverton

Contrary to the policy framework: No
Contrary to the budgetary framework: No
Key Decision: No
Included within the Forward Plan: No
Equality Impact Assessment Undertaken: No
Consultation & Community Engagement: No
Final Decision: Yes
Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Environmental Health and Licensing Manager	03/11/2021	Lorna Hudson
Democratic Services manager & Deputy Monitoring Officer	03/11/2021	Graham Leach

1. Summary

- 1.1 Under the provisions of the Licensing Act 2003 someone may apply for a review of a premises licence if they feel that the licensing objectives are not being met. In this case, Mr Kamalprit Singh Punia has made representations and called for a review of Binswood News Limited, 24 Binswood Street, Leamington Spa.

2. Options available to the Panel

- 2.1 Members are asked to consider the information contained in this report, and to determine what action, if any, to take further to the representations received from Mr Kamalprit Singh Punia.

The options available to the Committee can include one or more of the following:

Option 1 – Modify existing conditions on the licence or add new conditions.

Option 2 – Exclude licensable activity from the scope of the licence.

Option 3 – Remove the Designated Premises Supervisor from the licence.

Option 4 - Suspend the licence for a period not exceeding 3 months.

Option 5 – Revoke the licence.

3. Details for Consideration

- 3.1 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 5)
 - 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 must only consider those licensing objectives which have been referred to in the representations received.

- 3.2 The Council's Statement of Licensing Policy 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.

- 3.3 Details of the procedure adopted by the Committee for 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.
- 3.4 An application for a review was received from Mr Kamalprit Singh Punia by Warwick District Council Licensing Authority on 21 September 2021 for Binswood News Ltd, 24 Binswood Street, Leamington Spa, CV32 5RN. The application is attached as appendix 1. The CCTV will be shown at the hearing.
- 3.5 There has been a premises licence in place at 24 Binswood Street, Leamington Spa since 2008. The licence was transferred to Binswood News Limited in January 2015. Mr Onkar Singh Thiara is the sole director of Binswood News Limited. Mr Onkar Singh Thiara also became the Designated Premises Supervisor for the premises in January 2015. A copy of the current premises licence and conditions is attached as appendix 2.
- 3.6 The Licence holders have been invited to attend the review meeting and have been given the opportunity to make any representations to the Licensing Authority to put before the Committee.
- 3.7 The application has been advertised at the Council Offices and outside the premises in accordance with the requirements under the Licensing Act 2003 and a copy of the review application form has also been circulated to all responsible authorities to make comments.
- 3.8 There have been no representations from Responsible Authorities. There has been one further representation in support of the review from a local resident. This is attached as appendix 3.
- 3.9 Correspondence has been received from Trading Standards that a visit was made to the premises along with WDC Licensing to provide advise following reports of underage sales. A test purchase exercise then took place on 21st September 2021 which the premises passed. A copy of the letter sent by Trading Standards is attached as appendix 4.

4. Policy Framework

4.1. Fit for the Future (FFF)

- 4.1.1. 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.
- 4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. **FFF Strands**

4.2.1 **External impacts of proposal(s)**

People - Health, Homes, Communities - 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.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - 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.

4.2.2. **Internal impacts of the proposal(s)**

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.