

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Tuesday 25 February 2014, at the Town Hall, Royal Leamington Spa at 2.00 pm.

**PANEL MEMBERS:** Councillors De-lara-Bond, Mrs Grainger and Wreford-Bush

**ALSO PRESENT:** Amy Carnall (Committee Services Officer), Emma Dudgeon (Licensing Enforcement Officer) and Caroline Gutteridge (Council's Solicitor).

## 1. APPOINTMENT OF CHAIR

**RESOLVED** that Councillor Wreford-Bush be appointed as Chair for the hearing.

## 2. DECLARATIONS OF INTEREST

All Members on the Panel declared an interest because one of the representations was from a fellow Warwick District Councillor, Councillor Gifford.

## 3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR SIP COFFEE CO, 31 REGENT STREET, ROYAL LEAMINGTON SPA

A report from Health and Community Protection was submitted which sought a decision on an application from Mr Sundeep Bagga for SIP Coffee Co, 31 Regent Street, Leamington Spa.

The Chair introduced himself, other members of the Panel and officers, and asked the other parties to introduce themselves.

Sergeant Wiggin was present, representing Warwickshire Police who had submitted a representation to the application.

The Council's Solicitor advised the Panel that, in the absence of the applicant, Members needed to consider if it was in the public interest to adjourn the hearing until Mr Bagga was able to attend. Members were mindful that Mr Bagga had been duly notified of the hearing, his letter had been hand delivered and that officers had had no communication with him.

The Panel, therefore, agreed that the hearing should proceed as planned and the Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Enforcement 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.

## **LICENSING PANEL HEARING MINUTES (Continued)**

The application before the Panel was for a licence to be granted for the supply of alcohol for consumption on the premises, every day from 12 noon to 2200 hours.

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.

An operating schedule had been submitted with the application, which would form part of any premises licence issued and was detailed at paragraph 3.2 of the report.

The Council's Licensing Policy Statement provided that the Authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licences, where necessary, in order to ensure compliance with the four licensing objectives. Each application would be judged on its individual merits.

The premises was located within the Council's Cumulative Impact Zone (CIZ). This meant that it was the applicant's responsibility to prove that the application would not impact significantly on the licensing objectives.

In the absence of the applicant, or a representative, Members requested any further information that the Licensing Enforcement Officer may have on file to support the application.

The Licensing Enforcement Officer was unable to provide any further information, other than that the premise was currently trading as a coffee shop and there was no further supporting evidence other than the application form.

Sergeant Wiggin addressed the Panel, on behalf of Sergeant Calver from Warwickshire Police. She outlined the Police's objection which was focused on the location of the premise in the CIZ and the lack of evidence detailed in the operating schedule. She did not feel that the applicant had provided any assurances that the application would not impact significantly on the licensing objectives.

Sergeant Wiggin reminded Members that there was no provision for smokers detailed on the map in Appendix 5, which would mean that those individuals wishing to smoke would need to congregate on the street outside the premise. In addition, the coffee shop was located near to other drinking establishments which also contributed to an accumulation of smokers on the pavements. Due to the potential public nuisance impact, and the high percentage of residential premises nearby, the Police objected to the application in its entirety.

The Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room at 1435 hours, to enable the Panel to deliberate and reach its decision.

The Panel had considered the letters submitted by local residents Carolyn and Bill Gifford and Dr Cave objecting to the application. The Panel also considered the representation by Warwickshire County Council's Trading

## **LICENSING PANEL HEARING MINUTES (Continued)**

Standards Service which objected to the application on the grounds that the application contained insufficient information with regard to the prevention of the underage sale of alcohol.

The Panel accepted the evidence of Sergeant Wiggin and decided that the special policy of cumulative impact would apply in this case. It was decided that the grant of the application would impact upon the licensing objectives, in particular the prevention of crime and disorder and public nuisance. The Panel did not feel that the applicant had put forward sufficient information or evidence to show that the grant of the application would not impact on the licensing objectives.

The Panel considered whether it could grant the application with conditions. The Panel considered the conditions proposed by Warwickshire County Council's Trading Standards Service and whether any additional conditions would be appropriate but did not feel that imposing further conditions would allow it to grant the application in the light of the licensing objectives.

The Panel therefore

**RESOLVED** to refuse the application.

All parties would be reminded of their right to appeal the Panel's decision to the Magistrates Court within 21 days of formal notice of the decision.

(The meeting finished at 2.45 pm)