

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 14 October 2010, at the Town Hall, Royal Leamington Spa at 10.00am.

**PANEL MEMBERS:** Councillors Crowther, Harris and Wilkinson.

**ALSO PRESENT:** Max Howarth (Council's Solicitor), Jayne Bailey (Licensing Enforcement Officer) and Peter Dixon (Committee Services Officer).

## 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Wilkinson be appointed as Chairman for the hearing.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR NEWS PLUS FOOD AND WINE, 12 REGENT STREET, LEAMINGTON SPA

A report from Community Protection was submitted which sought a decision on a variation to a premises licence for News Plus Food And Wine, 12 Regent Street, Leamington Spa.

The Chairman introduced the members of the Panel and other officers present and then asked the other parties to introduce themselves. They were the applicant's representative, Ms Debra Silvester, the applicant, Mr Kumarasamy Pakeerathan, and Mr Keith Duncan, representing Warwickshire Police as a responsible authority.

The Council's Solicitor read out the procedure that would be followed at the meeting.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it before determining if the application for a variation to the licence should be approved.

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.

The report from Community Protection which was submitted to the Panel presented an application for a variation to an existing premises licence to permit the following:

### **The sale of alcohol off the premises:**

*05:00 to 00:00 seven days a week*

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

### **The opening hours are shown as:**

*05:00 to 00:00 seven days a week*

For information, the current premises licence, granted on 8<sup>th</sup> April 2010, authorised the following activities:

### **The sale of alcohol off the premises:**

*10:00 to 23:00 seven days a week*

### **The opening hours are shown as:**

*07:00 to 23:00 seven days a week*

Conditions attached to the current premises licence, and which would be carried forward to any varied licence granted, were:

1. Challenge 21 adopted and used.
2. CCTV to conform to BS2378 to include head and face images with continuous 31 day digital recording. All recordings are to be made available to the police within 48 hours upon request.

An operating schedule was submitted which would form part of any licence issued and which explained any steps the applicant proposed to take to promote the four licensing objectives of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children.

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.

Ms Silvester addressed the Panel, telling them of the applicant's desire to cater for people wishing to shop on their way to and from work. He wished to compete with other shops in the vicinity which were open for longer hours and which were able to sell alcohol. The representative pointed out that the premises were located outside of the Council's cumulative impact zone and that staff operated strict controls in relation to the sale of cigarettes and alcohol.

In response to a member's question, the applicant circulated a book of refusals for cigarettes and alcohol which was kept by his staff. He also confirmed that the premises were already in use from 5 am as part of preparations for newspaper rounds and deliveries. Mr Duncan also asked questions relating to entries within the refusals book and the applicants information relating to other premises in the area.

Mr Duncan presented the objection of Warwickshire Police as a responsible authority, pointing out that the Police had expressed reservations over the current operating hours and sale of alcohol within those hours when the application for a premises licence was first made in March 2010. At that time the Police were concerned that the premises would attract people

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

wishing to purchase alcohol, promoting unsociable drinking within the town centre area, leading to a possible increase in crime and disorder. The Police felt that an increase in the hours already granted would have a detrimental effect on crime and disorder in the area, and nothing in the application for a variation to the licence alleviated the fears they had already expressed.

Responding to a question from the panel, Mr Duncan confirmed that there had been no incidents of disorder around other premises opening early within the area. In response to a question from Ms Silvester, Mr Duncan said that the Police had experienced no problems with the applicant's premises, other than an incident of criminal damage against the premises.

Ms Silvester summed up Mr Pakeerathan's application, that for the sake of simplicity and convenience for staff and customers, he wished to sell alcohol for the hours the premises were open and compete with other businesses.

The Chairman asked the applicant, the licensing enforcement officer, the responsible authority and interested parties to leave the room at 10.40 am to enable the Panel to deliberate and reach its decision.

In taking their decision the Panel paid due consideration to the relevant legislation and guidance, application and the representations made about it.

Having heard representations from the applicant and the interested parties, the panel were of the opinion that the proposed variation of the licence would not impact on the licensing objectives.

At 10.50 am all parties were invited back in to the room so they could be informed of the Panel's decision. They were reminded that they had 21 days from receiving written confirmation of the Panel's decision to appeal the decision to the magistrates court.

**RESOLVED** that the variation to the premises licence be approved as detailed in the Licensing Panel's decision, which was as follows:

Having considered representations made by the applicant and the police, the Panel are satisfied that the variation of the licence at 12 Regent Street for the hours stated in the application and set out in the officer's report would not impact upon the licensing objectives. The Panel therefore vary the licence to allow the sale of alcohol during the hours of 5 am and 12 midnight seven days a week. The conditions attached to the current premises licence will be carried forward onto the varied licence and the operating schedule submitted by the applicant will also form part of the varied licence.

(The meeting finished at 10.55 am)