

Licensing and Regulatory Panel

Thursday 29 April 2021

A Licensing & Regulatory Panel will be held remotely on Thursday 29 April 2021 at **2.30pm**, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership: Councillors Evans, Grey, Illingworth

Agenda

1. **Appointment of Chairman**

To appoint the Chairman of the meeting.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Application for a Premises Licence under the Licensing Act 2003 for Golden Wines & Spirits, 109 Warwick Street, Royal Leamington Spa**

To consider a report from Health and Community Protection

(Pages 1 to 4 and Appendices 1 to 6)

Published Wednesday 21 April 2021

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the report. Details of all the Council's committees, councillors and agenda papers are available via our website on the [Committees page](#)

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The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
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Title: Application for a Premises Licence under the Licensing Act 2003 for Golden Wines & Spirits, 109 Warwick Street, Leamington Spa, CV32 4QZ

Lead Officer: Emma Dudgeon

Portfolio Holder: Judy Falp

Public report

Wards of the District directly affected: Leamington Clarendon

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
Head of Service	12/4/2021	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	13/4/2021	Graham Leach

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid premises licence variation application for Golden Wines & Spirits, 109 Warwick Street, Leamington Spa, CV32 4QZ. Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. Options available to the Panel

- 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 at Golden Wines & Spirits, 109 Warwick Street, Leamington Spa, CV32 4QZ should be granted and, if so, whether the licence should be subject to any additional conditions.

The following options are available to members:

Option 1 – Grant the application as requested;

Option 2 – Grant the application with amended hours and/or added conditions, or;

Option 3 – Refuse the application.

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 7)
 - 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 Licensing and Regulatory 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.
- 3.4 Mr Vengadasalam Giritharan applied for a variation of the premises licence at Golden Wine & Spirits on 15 March 2021. A copy of the current premises licence is attached as appendix 1.
- 3.5 The licensable hours applied for by Mr Giritharan are detailed below.

Opening Hours of the premises:
Monday to Sunday from 09:00 to 04:00

Supply of Alcohol for Consumption Off the Premises:
Friday and Saturday from 09:00 to 04:00

An amendment of the operating schedule, which has been submitted by the applicants and will form part of any licence issued is attached as appendix 2.

- 3.6 The Licensing Department received a representation from Warwickshire County Council Safeguarding. Following the agreement of two conditions they subsequently withdrew their representations. These conditions are:
1. Children under 16 must be accompanied by an adult after 21:00 hours.
 2. No children under 16 permitted on the premises after 23:00 hours.
- 3.7 The Licensing Department has received an objection from Warwickshire Police attached as appendix 3 and Environmental Health, attached as appendix 4.
- 3.8 No representations have been received from:
- Fire Authority
 - The Licensing Authority
 - Enforcement Agency for Health and Safety
 - Authority Responsible for Planning
 - National Health Service/Public Health
- 3.9 A plan of the area is attached as appendix 5 and photographs of the premises are attached as appendix 6.

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.



Premises Licence (To be kept at the premises)

**Golden Wines & Spirits,
109 Warwick Street,
Leamington Spa,
Warwickshire,
CV32 4QZ.**

Premises Licence number **WDCPREM00987**

The times the licence authorises the carrying out of permitted licensable activities

**Sale of Alcohol for Consumption Off the Premises
Monday to Sunday from 09:00 to 24:00**

**The opening hours of the premises
Monday to Sunday from 09:00 to 24:00**

Premises Licence Holder **Vengadasalam Giritharan,
2 Hornbeam Grove,
Sydenham,
Leamington Spa,
Warwickshire,
CV31 1QX.**

Registered number of holder **Not Applicable.**

*Designated Premises
Supervisor* **Vengadasalam Giritharan**

Personal licence number: [REDACTED]



Mandatory conditions

1) No supply of alcohol may be made under this licence:

A) At a time when there is no designated premises supervisor in respect of it, or

B) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

4. 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula- .

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

General

I will see that I fulfill the terms and conditions of the licence and also ensure good staff training so that they are competent to sell alcohol responsibly, prevention of sale to underage people, prevent crime and disorder. I will fully cooperate with the police and the local authorities to prevent public nuisance. I will install cameras and maintain proper records which will be accessible to the authorities at all times.

Prevention of Crime and Disorder

I will install CCTV cameras at the entrance and exit doors as well as covering the shop floor and kiosk. The cameras at the entrance and exit doors will have full frame shots of head and shoulders to ensure prompt identification of any person involved in crime. The shop floor cameras will be wide angled to give an overview of the premises. I will provide recordings requested by the relevant authorities, report crime promptly, keep recordings for a minimum 31 days, and ensure I have signage saying CCTV in operation.

Public Safety

I will install fire safety measures including fire extinguishers, illuminating fire exit signs, smoke detectors, etc. All appliances will be routinely maintained and serviced to ensure their good operation in crisis. All emergency exits will be clear from obstructions at all times.

The Prevention of Public Nuisance

All customers will be asked to leave quietly and promptly. Customers will be discouraged from gathering in large groups inside and outside of the premises and to have regard to our neighbours.

The Protection of Children from Harm

I will ensure to ask persons who appear to be under the age of 25 to show proof of age ID which will be one of the following: Driving licence, Passport, or citizen card, or any official identity card issued by HM Forces or EU country with photograph and date of birth.

All staff will be trained to prevent underage sale of alcohol.

A Sales Refusal Record will be kept and maintained in the premises.

Conditions agreed with the Licensee

- 1) A prompt in the EPOS system during the sale of alcohol which the staff have to select Yes or No option which is in line with the Challenge 25 policy to make sure the person is not an underage person.
- 2) I will have the "Challenge 25 policy" stickers adequately displayed around the kiosk, and around the shop floor to avoid underage sale of alcohol.
- 3) The DPS must download and print the CSE information leaflet produced by Warwickshire County Council. The DPS must read this guide and display it in a location accessible to all staff members.

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We will strictly adhere to the conditions of our license. Alcohol will be served only after age verification and for consumption off the premises. I will be on the shop floor from late evening till we close and will take special care to ensure prevention of crime, maintain public safety, prevention of public nuisance and last but not the least protection of children from harm. I have good CCTV coverage and will cooperate with the authorities when necessary. I will always ensure Challenge 25 policy is adhered to and take full responsibility for the safety of customers.

b) The prevention of crime and disorder

I have already installed CCTV cameras covering the shop floor as well as the front entrance and Till areas of the shop. I will ensure that customers do not gather inside the premises and encourage quiet dispersal at all times. As our shop is a convenience store, there is always only one or two customers in the shop floor. A notice will be displayed at the entrance to the premises advertising that CCTV is in operation. Recordings are maintained for the agreed period of time with the police and the licensing authority.

c) Public safety

I have in place good fire safety measures which is inspected periodically by the professionals. Also we strictly discourage overcrowding and have well trained staffs to ensure public safety.

d) The prevention of public nuisance

WE will not encourage customers to gather inside or outside the shop unnecessarily and will be encouraged to disperse quietly and promptly without causing any nuisance.

e) The protection of children from harm

To always check the age of customers and ensure the challenge 25 policy is adhered to. I will ensure my staffs are trained competent enough to serve alcohol and to know the proof of age cards that are accepted by law. Maintain an incident book and record any incidents relating to this and make it readily available to the different authorities for inspection.

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	PS 645 Paul Calver
Job Title	Harm reduction Sgt
Postal and email address	Leamington Police Station, Newbold Terrace, Leamington Spa
Contact telephone number	01926 684166

Name of the premises you are making a representation about	Golden Wines & Spirits
Address of the premises you are making a representation about	109 Warwick Street, Leamington Spa, CV32 4QZ

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	<p>Warwickshire Police have carefully considered this application under all four of the licensing objectives and would make representations in respect of it.</p> <p>Whilst at the time of the application we are still within the COVID pandemic and have been for the last 12 months, this application will have an impact on the licensing objectives going forward once restrictions under COVID are lifted and we eventually return to normality.</p> <p>Leamington Town Centre outside of COVID has a thriving night time economy, with a very diverse setting, with a large student population during the week and many visitors at the weekend economy.</p> <p>The town centre itself is part of a Public Spaces Protection order where it is covered by restricted alcohol drinking, this is prevalent within the town regarding street drinking and particularly in the night time economy</p> <p>With that same issue in mind, all the on license premises within the town centre have conditions to prevent alcohol leaving their venues and off sales stopping at 23.00hrs</p> <p>There is an increased risk to the crime, disorder and nuisance with this license being approved due to the hours requested. It currently is licensed till midnight but is requesting to extend till 04.00hrs, this would then allow patrons of the night time economy to continue to purchase bottles and cans of alcohol during the night time economy and walk around the town drinking whilst moving between venues and queuing for venues.</p> <p>This would increase the levels of alcohol in the streets, the potential weapons of bottles, and put at risk people breaching the PSPO requirements.</p>

		<p>It would also enable person when leaving the night time economy as and when venues close to purchase more alcohol and then risk of congregations in public open spaces causing a ASB and public order issues.</p> <p>Whilst we appreciate that COVID has put an economic strain on businesses, this application has to be balanced between the licensing objectives and the economic need, and due to the facts stated Warwickshire Police feel the risk to the promotion of the licensing objectives are outweigh the economic factors with regards to their particular application.</p> <p>To add, should this application be put to a hearing process, then further evidence maybe supplied in advance and also local SNT Sgt maybe requested to also attend to amplify on the above evidence.</p>
Public safety	Yes	As above
To prevent public nuisance	yes	As above
To protect children from harm	No	

<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>Warwickshire Police would object to this application in full based on the above rationale</p>
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Signed:



Date: 17th March 2021



WARWICK DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE
AUTHORITIES

Responsible Authority (please delete as applicable):

Environmental Protection

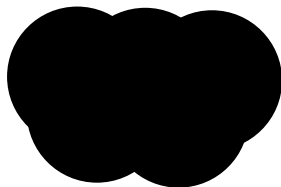
Your Name	Peter Lawson
Job Title	Senior Environmental Health Officer
Postal and email address	Warwick District Council Riverside House, Milverton Hill, Leamington Spa CV325 HZ
Contact telephone number	01926 456715

Name of the premises you are making a representation about	Golden Wines & Spirits - Extn of hours
Address of the premises you are making a representation about	, 109 Warwick Street, Leamington Spa, Warwickshire, CV32 4QZ

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	yes	Proposed extension of closing time from midnight to 4am is likely to give rise to noise nuisance to town centre residents from customers going to and from the shop and hanging around drinking on the street in the silent hours.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Retain premises opening hours as per the existing licence.
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Signed:



Date:

30./3/21

Please return this form along with any additional sheets to Licensing, Health and community Protection, Riverside House, Milverton Hill, Royal Leamington Spa. CV32 5HZ.
This form must be returned within the Statutory Period.

