

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Tuesday 26 June 2012, at the Town Hall, Royal Leamington Spa at 2.00pm.

**PANEL MEMBERS:** Councillors Mrs Bunker, Ms De-Lara-Bond and Mrs Grainger.

**ALSO PRESENT:** David Davies (Licensing Services Manager), Lesley Dury (Committee Services Officer) and Max Howarth (Council's Solicitor).

## 1. APPOINTMENT OF CHAIRMAN

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

The Chairman introduced herself, other members of the Panel and Officers, and asked the other parties to introduce themselves.

They were; the applicant, Mr Lakhmir Singh Garewal, and Mr Panchal, acting on behalf of the applicant.

The interested party present was County Councillor Penny Bould, who attended to represent her constituents.

Mr Panchal questioned the legislation in respect of the right of Councillor Bould to speak. The Licensing Services Manager explained that any person could make a representation under the Licensing Act and that person could then speak to their written submission.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR ORCHARD CORNER CONVENIENCE STORE, 1-2 SHOPPING CENTRE, ST MARGARET'S ROAD, ROYAL LEAMINGTON SPA

A report from Community Protection was submitted which sought a decision on a premises licence for Mr Lakhmir Singh Garewal, Orchard Corner Convenience Store, 1-2 Shopping Centre, St Margaret's Road, Royal Leamington Spa.

The Licensing Services Manager, David Davies, outlined the report and asked the Panel to consider all the information contained within the report and determine if the application for a premises 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.

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

The report from Community Protection which was submitted to the Panel presented an application to permit the following:

The sale of alcohol (off the premises)	
Sunday to Thursday	06:00 to 23:30
Friday and Saturday	06:00 to 00:00

This was later modified when police conditions were accepted to:

The sale of alcohol (off the premises)	09:30 to 23:00 seven days a week
Opening hours	Sunday to Thursday 06:00 to 23:30 Friday and Saturday 06:00 to 00:00

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

A petition and other letters were received against the grant of a premises license, but they were based solely on commercial reasons and therefore could not be accepted as relevant representations under the Licensing Act 2003. The only representation relevant to the Act was made by County Councillor Penny Bould.

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 licenses, where necessary, in order to ensure compliance with the four licensing objectives. Each application would be judged on its individual merits.

Mr Davies introduced his report to the Panel.

Mr Panchal stated that the licence application had been discussed with the police and the modified conditions as stated in the report had been agreed. He explained that in submitting the application, the four licensing objectives had been taken into account. "Challenge 25" was in place, as was an operating schedule. Notices were already prepared for the shop and a refusal book was in place. A 14 camera CCTV system was in operation which was pointed at or in the shop and not at the environment outside the shop area.

The Panel asked questions regarding how it was intended to protect children from the dangers of alcohol and Mr Panchal replied that everything that the law required had been done. The person running the shop was fully trained and would request identification under the terms of Challenge 25.

The Panel was concerned that it was not possible for Mr Garewal to be on the premises all of the time, but Mr Panchal assured the Panel that there would be two people on the premises at all times, and they would be trained. There would be ongoing training. He informed the Panel that it was expected that a personal licence would be coming through within the next two weeks and it was planned that a personal licence holder would be

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

on the premises all of the time, plus two other members of staff. A training guide had been provided and Mr Panchal had been impressed to see that this was in the shop.

Councillor Penny Bould, an interested party, stated that she had brought with her 500 signatures from local people who were deeply concerned. She explained that if the licence was granted it would have a detrimental effect on the neighbourhood and would increase nuisance to nearby residents. She stated that there were already enough premises that sold alcohol in the area and these would be affected by the additional competition. Mr Davies interjected and stated that whilst he felt empathy, the increased competition and the effect this could have on the commercial success of other businesses could not be taken into account under the Licensing Act. The Chairman stated that the Panel could only make a judgment based on the Licensing Act and whether the terms of the Act had been complied with.

Councillor Bould explained that in the local area, addiction to alcohol was an issue. She was opposing the application as it would make alcohol more available, which would add to the crime and disorder problem. She explained that there were a number of schools in the area.

The Panel asked Councillor Bould to give more details about the availability of alcohol in the area. Councillor Bould stated that there was already an off-licence and reiterated the fact that there were lots of schools in the area and consequently lots of school children. The Panel pressed her to give details of the shops, and whether there was a run of shops or just one shop unit. Councillor Bould replied that within the run of shops, there was just the one shop selling alcohol, plus about six other shops. She admitted that she had not visited the area before coming to the hearing, but maintained that Orchard Corner Convenience Store was in a prominent position and would catch the attention of a lot of people.

The Panel asked Councillor Bould to clarify her concerns specifically with the Licensing Objectives in mind and how this application would be more harmful than the other premises in the area that sold alcohol.

Councillor Bould replied that there were a high percentage of known troubled families in the area. There were more social problems, and high social deprivation, which she asserted was one of the highest in the country. She pointed out that not all problems were reported to the police. She anticipated that a local supermarket would reduce its prices for alcohol sales to create a pricing war to stimulate demand for alcohol. She informed the Panel that a public meeting would be taking place that week about student identification or "studentifaction" as it was known. She maintained that there were lots of incidents when people felt afraid in the area due to the effects of behaviour fuelled by alcohol and yet another premises able to sell alcohol would only add to this.

Mr Panchal declined the opportunity to ask Councillor Bould any questions.

Mr Panchal was asked to make a short closing speech. He stated that the applicant had met all of the licensing objectives and the application should be considered on its own merits, without taking other shops into consideration. He reminded the Panel that it should not be considering the

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

commercial objectives in respect of the competition. He and the applicant had made sure that all of the Licensing Objectives had been complied with and he pointed out that if the premises failed to comply, the Licensing Authority had the right to review the licence.

The Chairman asked the applicant, his representative, the Licensing Manager and the interested parties to leave the room at 2.42 pm to enable the Panel to deliberate and reach its decision.

Having considered the representations made by the agent for the applicant, and the representations made by Councillor Penny Bould, the Panel was satisfied that the grant of the licence would not impact upon the Licensing Objectives.

In coming to this conclusion, the Panel was satisfied that the steps detailed in the applicant's operating schedule were sufficient to ensure that there was no impact upon the Licensing Objectives. Further, whilst the Panel listened to the concerns expressed by Councillor Bould, the Panel noted that no evidence had been provided that the grant of the licence at these premises would impact on the Licensing Objectives. The Panel also noted that there had been no objection from any responsible Authority.

The Panel therefore resolved to grant the licence for the revised hours set out in the report.

**RESOLVED** to grant the licence in accordance with the report.

All parties were invited back in to the room so they could be informed of the decision and were reminded that they had 21 days to appeal this decision to the magistrates court.

(The meeting finished at 3.15 pm)