



Title	Application for a full variation of a premises licence issued under the Licensing Act 2003 for 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB
For further information about this report please contact	Tayyibah Daud, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456738 Tayyibah.daud@warwickdc.gov.uk
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	16.08.2019	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a full premises licence variation for 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report and decide whether the variation application for 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB, should be granted and, if so, whether the licence should be subject to any additional conditions.
- 2.2 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 22)
 - 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 should only consider those licensing objectives which have been referred to in the representations received.

- 2.3 The Council's Licensing Policy Statement 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.
- 2.4 Details of the procedure adopted by the Licensing 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. **Reasons for the Recommendation**

- 3.1 TG Convenience Stores Limited have applied for a full variation of the premises licence at Warwick Road Service Station ,203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB.
- 3.2 The application is to extend the hours for alcohol sales, to remove the restrictions to the sale of alcohol on Christmas Day and Good Friday, add the

provision of late night refreshment and to remove embedded restrictions on the current licence.

3.2 The initial licensable hours requested by the applicant are shown in the table below:

Initial application details:

A copy a	Opening Hours	Sale of alcohol for consumption off the premises	Late Night Refreshment (Indoors and outdoors)
<p>Monday to Sunday Amended application details: Christmas Day and Good Friday)</p>	00:00 to 24:00	06:00 to 23:00	23:00 to 05:00
c o p	Opening Hours	Sale of alcohol for consumption off the premises	Late Night Refreshment (Indoors and outdoors)
Monday to Sunday (including Christmas Day and Good Friday)	00:00 to 24:00	06:00 to 23:00	23:00 to 05:00 To allow the sale of hot drinks only

The current premises licence summary, which shows the current licensable hours is attached as appendix 1.

A copy of the proposed operating schedule is attached as appendix 2.

3.3 A representation has been received from Warwickshire Police which is attached as appendix 3.

3.4 The Licensing Department initially received 24 representations from residents. However, since the amendments shown in the table above, there are currently 15 representations, these are attached as appendices 4 to 18.

3.5 No representations have been received from:

- Environmental Health
- Trading Standards
- Fire Authority
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

3.6 A plan of the premises is attached as appendix 19. A map and photographs of the area are attached as appendices 20 and 21.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

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. This report shows the way forward for implementing a significant part of one of the Council’s Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
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.	None	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.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the	<u>Intended outcomes:</u> Focusing on our customers’ needs Continuously improve	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting

appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	our processes Increase the digital provision of services	Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

5. Budgetary Framework

5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

6. Risks

6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 21 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.