

		Licensing Panel 3rd December 2010	Agenda Item No.
Title		Application for a review of the premises licence issued under the Licensing act 2003 to Art and Wine, 8 High Street, Warwick by an interested party.	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area		Community Protection	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	22/11/2010	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance	22/11/2010	Andy Crump
Portfolio Holder(s)	22/11/2010	Councillor Kirton
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. **SUMMARY**

- 1.1 Under the provisions of the Licensing Act 2003 an interested party may apply for a review of a premises licence if they feel that one or more of the licensing objectives are being undermined.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider all the relevant information contained in this report and consider the evidence provided by Trevor and Christine Jones in their request for a review of a premises licence.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the provisions of the Licensing Act 2003 a premises that sells alcohol requires a premises licence.
- 3.2 Art and Wine Limited applied for a premises licence on the 2nd July 2007
- 3.3 Officers from the Council's Environmental Health team objected to the licence, but after the applicant suggested changes, the objection was withdrawn and a premises licence was granted to permit:

Sale of Alcohol for Consumption on and off the Premises:

Everyday from 08:00 to 23:00

The opening hours of the premises:

Everyday from 08:00 to 24:00

- 3.4 A condition which had been agreed was also placed on the licence stating:

Sales for the consumption of alcohol on the premises will be ancillary to the business of selling wine or the viewing of art

- 3.5 The premises licence contains an operating schedule which forms part of the licence which states:

General

This is a niche business which combines the sale of art with the sale of fine wines. All staff will be trained in their responsibilities for selling alcohol.

The premises licence holder adopts Challenge 21 and staff will only be able to accept photographic ID in the form of driving licence, passport or ID with the PASS logo endorsed on it.

Customers will be assisted by staff in the wine display areas providing first class product information.

The premises will be selling expensive wines and will not attract persons under the age of 21 nor the casual shopper which will by its nature mean there will be only a few customers on the premises at any given time allowing personal supervision by staff.

The Prevention of Public Nuisance

Garden patio shown on plan shall be cleared by 23.00hrs.

- 3.6 Trevor and Christine Jones, through their solicitor, Kevin O’Gorman applied for a review of the premises licence on 25th October 2010 on the grounds of public safety and the prevention of public nuisance. The application is shown as Appendix 1.
- 3.7 Any other interested party or any responsible authority is permitted, by legislation, to ‘join in’ with the appeal and make representations of their own. The Council’s Environmental Health section has submitted such a representation which is shown as Appendix 2
- 3.9 When considering the application the panel must give appropriate weight to:-
- a) The review application 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 (Appendix 3).
 - d) The Licensing Objectives referred to, which, in this case, are:-

Public Safety

The Prevention of Public Nuisance.
- 3.10 The Council’s Licensing Policy Statement provides that the authority will take an objective view on all applications and review applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.
- 3.11 Details of the procedure adopted by the Licensing Committee for Panel Hearings has 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.
- 3.12 A plan showing the location of the premises is attached as Appendix 4.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 No alternatives may be considered.

5. BUDGETARY FRAMEWORK

- 5.1 This report has no budgetary considerations for the Council.

6. POLICY FRAMEWORK

- 6.1 None

7. **BACKGROUND**

7.1 None.