

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 19 April 2012, at the Town Hall, Royal Leamington Spa at 2.00 pm.

PANEL MEMBERS: Councillors De-Lara-Bond, Kinson and Pratt

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

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Pratt be appointed as Chairman for the hearing.

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

They were; the applicant, Mrs Kamaljit Kaur, her representative Mr Manak and the stores' DPS, Ms Manjinder Kaur.

There were no interested parties present.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR TACHBROOK CONVENIENCE STORE, 111-113 TACHBROOK ROAD, ROYAL LEAMINGTON SPA

A report from Community Protection was submitted which sought a decision on a premises licence for Tachbrook Convenience Stores, located on Tachbrook Road, 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.

The report from Community Protection, which was submitted to the Panel, presented an application to permit the sale of alcohol, off the premises, 09:00 to 23:00, seven days a week.

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

LICENSING PANEL HEARING MINUTES (Continued)

Representations against the application had been received from two local residents, Ms Colledge and Mr Cleary, whose main concerns centred around younger children congregating outside the shop.

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.

Mr Manak addressed the Panel and confirmed his satisfaction with the content of the report and the procedures that had been followed.

Mr Manak advised that the objections addressed one licensing objective which was the Protection of Children from Harm and highlighted that neither of the objectors had turned up to make representations at the hearing.

He gave a history of the family business and explained that the application for the licence had evolved due to the liquidation of the landlord's company, who had been the previous licence holder. He stated that the family had demonstrated the ability to run the business properly and operate as good licence holders. When they realized that the store was operating without a licence, they had applied for Temporary Event Notices to serve alcohol to ensure the continuity of the business over weekend periods.

Mr Manak advised that the two objectors were known to the applicant and both had been refused sales of alcohol in the past. He felt that their objections were unsubstantiated and no incidents of the selling of alcohol to underage persons nor issues with anti-social behaviour had been investigated by the Police, in relation to the store.

Councillor De-Lara-Bond clarified if the measures proposed in the operating schedule were already in place and was advised that they were working effectively.

Following questions from Councillor Kinson, Mr Manak confirmed that the applicant had worked with the police who were happy with the conditions already in place and had no knowledge of police problems.

The officers present confirmed that if a premise was found to be in breach of any conditions attached to their licence, they could be prosecuted with either a fine or a prison sentence.

The Chairman asked the applicant, her representative and the licensing manager to leave the room at 14.30 pm to enable the Panel to deliberate and reach its decision.

Having considered the application before them and having heard the representations today, the Panel did not feel that there would be any detrimental effect on the Licensing Objectives.

LICENSING PANEL HEARING MINUTES (Continued)

The Panel considered the written representations from Ms Colledge and Mr Cleary but, given that the allegations made by both the objectors were very general in nature, did not refer to specific instances where alcohol had been sold to underage persons and that neither objector had attended the hearing and consequently the Panel had been denied the opportunity to ask questions. It was the Panel's view that there was no evidence to support the allegations that had been made.

It was therefore agreed that the licence should be granted.

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.

(The meeting finished at 14.40 pm)