

Licensing Panel Hearing

A record of a Licensing Panel hearing held on Tuesday 3 June 2014, at the Town Hall, Royal Leamington Spa at 2.00 pm.

Panel Members: Councillors Mrs Gallagher, Mrs Goode and Wilkinson.

Also Present: Emma Dudgeon (Licensing Enforcement Officer),
Caroline Gutteridge (Council's Solicitor) and Lesley Dury
(Committee Services Officer).

1. **Appointment of Chair**

RESOLVED that Councillor Mrs Goode be appointed as Chair for the hearing.

2. **Declarations of Interest**

Councillors Mrs Gallagher, Mrs Goode and Wilkinson all declared a personal interest because they all knew Mr Gifford who was a councillor at the District Council.

3. **Application for the grant of a premises licence under the Licensing Act 2003 for SIP Coffee Company, 31 Regent Street, Royal Leamington Spa**

A report from Health and Community Protection was submitted which sought a decision on a new premises licence application from Mr Sundeep Bagga of SIP Coffee Co, 31 Regent Street, Royal Leamington Spa.

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

Present were; Mr Bagga, the applicant, from SIP Coffee Co, his father, Mr Bagga, who accompanied his son in support of the application, and Mr Gifford, a local resident who attended as an interested party.

The Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, and to determine if the application for a premises licence should be approved.

The application before the Panel was for a licence to be granted for the supply of alcohol (on the premises) between 12:00 and 18:30 hours Monday to Saturday and between 12:00 and 17:00 hours on Sunday. The proposed opening hours of the premises was 09:00 to 18:30 hours Monday to Saturday and 10:00 to 17:00 hours on Sunday.

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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.

An operating schedule had been submitted with the application, which would form part of any premises licence issued.

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.

The applicant explained he had applied for the licence to supply alcohol on the premises to generate more business. Currently SIP Coffee only provided teas and coffees and his customers had asked him to provide beers and wines. Selling teas and coffees did not make enough profit.

In response to questions from Panel members, the applicant responded that:

- there were approximately 30 covers in the premises;
- the premises were currently open 09:00 to 16:30 hours and he wished to extend opening up to 18:30 hours;
- the idea would be to supply "craft" beers and wines. The applicant explained that these "craft" beers would come from micro-breweries and that he had quite a lot of knowledge about them and a lot of contacts in the trade;
- there was a demand for craft beers and wines;
- currently his premises offered "Australian" style coffees;
- his premises were not a restaurant but sandwiches and pastries were offered;
- all beers were bottled, not on draught;
- the bottles would be collected and would be disposed of in a bin in the courtyard at the back. Access to this was via a shared driveway;
- he had previously applied for a Temporary Event Notice for an event booked by university students; the event had run very smoothly;
- the applicant held a personal licence;
- he had been at the premises for nine months and knew his clientele;
- when asked to explain why his application should be allowed in a Cumulative Impact Zone, the applicant explained that he was only asking for a licence up to 18.30 hours, this would open up the opportunity to benefit from the after-office hours trade; and the business would not operate as a pub;
- door staff, which had been part of the first application, were no longer a feature in this application because there was no need for them due to the 18:30 hours closure; the applicant explained that when he made the first application, he had not understood the application process;
- he explained that drinking would not be allowed outside the premises and a waiter service would be provided. This would discourage anti-social behaviour. Additionally he intended to run wine lecture events and education to clientele on craft beers. Customers would not be allowed to purchase alcohol at the bar, they would be asked to sit at a table, where waiter service would be provided; and

LICENSING PANEL HEARING MINUTES (Continued)

- customers already attended learning sessions on coffee during the day, and people hired out the premises during the day also; customers had expressed interest for daytime learning events on wine and beer.

The Council's solicitor confirmed that if the applicant wished to extend the opening hours of the premises, he would need to apply. Notice would have to be given to the Police if the applicant applied for a Temporary Event Notice (TEN). 12 TENs could be applied for each year.

Mr Gifford then confirmed that the applicant would be willing to accept a condition placed on the licence to stipulate waiter to table service, and the applicant was happy to accept this. Mr Gifford informed the Panel that following his objection, the applicant had paid him a visit and explained that he would not apply for a further extension to the hours. The applicant had offered to supply a written assurance on this, but one had not been received. Mr Gifford explained that his concern was that if the applicant left the premises, the next licensee might have different plans. Mr Gifford was reassured by the waiter to table service. If the licence was granted, then the applicant could operate the premises as a bar, but the waiter to table service did provide him reassurance. Mr Gifford pointed out that the premises were incorrectly marked on the plans and they were next to "Murphy's Bar". He sought reassurance that granting the licence would not be detrimental to residents.

Councillor Mrs Goode referred to the plans submitted by the applicant and commented that when she had visited the premises, she had not seen high seating. The applicant explained that these seats had been moved, but he intended to reinstate them. Councillor Mrs Goode then confirmed all the seating areas with the applicant and that the serving area was near the coffee machines. If people wished to purchase "takeaway", then they would be asked to sit on the high seating whilst waiting. Takeaway business was mainly in the mornings. Takeaway business included sandwiches. The applicant stated that he had no intention of selling beer and wine to be taken off premises and offered to accept a clause stipulating that this could not take place.

The applicant did not ask Mr Gifford any questions. The applicant was then asked to summarise why he should be given the licence. His father explained that his son was passionate about his business and would obey all conditions imposed on the licence. He would ensure waiter to table service and this would be without exception for wine and beer sales.

The Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room at 2.30 pm, to enable the Panel to deliberate and reach its decision.

The Panel decided to grant the application with a condition.

The Panel considered the operating schedule submitted by the applicant at paragraph 3.2 of the report and the representations made by the applicant at the hearing. The Panel also considered the written representations made by Dr Cave and Mr and Mrs Gifford and the representations made at the hearing by Mr Gifford.

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The Panel gave significant weight to the Licensing Policy and the fact that the premises were in the Cumulative Impact Zone but felt that the applicant had demonstrated that the grant of a licence would not have an impact upon the licensing objectives. The Panel noted that the applicant did not intend to run the premises as a bar but intended to serve wine and beer to customers at tables to complement his existing business and the premises would close at 6.30 pm at the latest. The Panel did not therefore feel that the premises would cause an increase in crime and disorder, public nuisance, or harm to children in the Cumulative Impact Zone.

The Panel decided that it was necessary to impose a condition on the licence to require the applicant to supply all alcohol to customers at tables via waiter service. The reason for the imposition of this condition was that the Panel felt that it would support the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

Resolved to grant the application for the hours requested subject to the following conditions:

- (1) to supply all alcohol to customers at tables via waiter service; and
- (2) all conditions as set out within the report paragraph 3.2.

All parties were invited back in to the room at 2.45 pm, at which time the Panel's decision was read out as detailed above.

(The meeting finished at 2.46 pm)