		Licensing Panel 11th July 2012	Agenda Item No.
Title		Application for a variation of the premises licence issued under the Licensing Act 2003 for Saint Bar, Warwick Street, Leamington Spa	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No.	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	21/06/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	21/06/2012	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. **SUMMARY**

- 1.1 The holder of a premises licence issued under the Licensing Act 2003 may apply for a variation of that licence.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider all the relevant information contained in this report and consider a variation application for the Saint Bar by the premises licence holder.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the provisions of the Licensing Act 2003 a premises that sells alcohol and provides regulated entertainment and late night refreshment requires a premises licence.
- 3.2 In September 2005 the premises at 40 Warwick Street, Leamington Spa applied for a conversion and variation of the existing justices and entertainment licences in the name of Mackys Restaurant and Bar. There were representations made to the application and Licensing Panel hearing was held on 29th September 2005. The premises licence was granted, with conditions.
- 3.3 In May 2007 the premises was transferred to the current premises licence holder and Designated Premises Supervisor, Ulief Coppor Burton and its name changed to Saint Bar.
- 3.4 An application for a review of the premises licence was made by Warwick District Council Environmental Health under the prevention of public nuisance objective on 30th September 2008. One more representation was received from Mr M Gociek as an interested party. The hearing was delayed whilst work was completed on the premises.
- 3.5 The premises licence holder, Mr Burton, made changes to the soundproofing of the premises and repositioned speakers, and, as a consequence, at a hearing on the 5th March 2012, no action was taken by the Licensing Panel against the premises.
- 3.6 The current premises licence permits:

Sale of alcohol for consumption on the premises

*Monday to Wednesday from 10:00 to 01:00
Thursday to Saturday from 10:00 to 02:00
Sunday from 10:00 to 00:00*

Sale of alcohol for consumption off the premises

Seven days a week from 10:00 to 23:00

Live Music; Recorded Music; Other Activities of a similar description to that of live music or recorded music; Performance of Dance; Provision of facilities for making music; Provision of facilities for dancing (All Indoors only)

Monday to Wednesday from 10:00 to 01:00
Thursday to Saturday from 10:00 to 02:00
Sunday from 10:00 to 00:00

Late night refreshment

Monday to Wednesday from 23:00 to 01:00
Thursday to Saturday from 23:00 to 02:00
Sunday from 23:00 to 00:00

The opening hours of the premises

Monday to Wednesday from 10:00 to 01:00
Thursday to Saturday from 10:00 to 02:00
Sunday from 10:00 to 00:00

- 3.7 The operating schedule and conditions attached to the current licence are:

General

All of the staff now take the mock examination for the National Certificate for Personal Licence Holders within one month of commencing. The results are recorded in their training records.

Prevention of Crime and Disorder

"SSSHHHH" campaign launched to discourage anti-social behaviour from patrons leaving the bar.

The Prevention of Public Nuisance

"SSSHHHH" campaign launched to discourage anti-social behaviour from patrons leaving the bar.

The Protection of Children from Harm

Challenge 21 in use. Challenge 25 to be introduced in latter part of 2011.

Conditions:

- 1.All door staff to be SIA registered and badged and to be employed at the premises on Friday and Saturday evening from 21:00 until the premises is closed and all customers have vacated the premises.
- 2.The Designated Premises Supervisor (DPS) is make a full and documented risk assessment on the necessity to employ SIA doorstaff on days other than shown in (1) above.
- 3.All windows and doors shall be kept closed from 23:00 except to allow entry and egress from the premises.
- 4.No off sales shall be permitted after 23:00.
- 5.The basement garden area shall be vacated by 23:00.
- 6.No open vessels shall be removed from the premises at any time.
- 7.No persons under the age of 18 shall be permitted on the premises after 21:00 hours.
- 8.CCTV to be installed to current British Standards BS7958. The cameras shall cover all public areas and have no blind spots and include head and facial

recognition. The cameras image must be digitally recorded at 25 frames per second but, as a minimum, 12 frames per second and the recording kept for a minimum of 31 days. At least one member of staff must be on duty at all times when the premises is open who is able to operate the CCTV system and download images upon request by any authorised officer.

9.The premises must be a member of the Warwickshire Police approved PubWatch Scheme and must conform to its policies and procedures.

10.The premises must be a member of the Warwick District approved radio scheme, ensure the equipment is in working order, switched on when the premises is open and earpieces worn where appropriate. All staff must be trained in their use.

11.Live and recorded music shall not be intrusive at the nearest elevation of any neighbouring residential properties, nor within the properties themselves.

12.The premises shall adopt the Challenge 21 policy and display Challenge 21 posters.

13.The maximum safe occupancy is 200.

14.The doorstaff shall use a clicker to ensure that overcrowding does not occur.

3.08 Ulief Coppor Burton submitted an application on 16th May 2012 to vary the premises licence for the Saint Bar to remove a wall within the premises and extend the area for licensable activities to take place. A plan of the area current floor plan is attached as **Appendix 1** and a plan of the proposed door plan is shown as **Appendix 2** with the proposed increased area for licensable activities shown as hatch markings.

3.09 Officers are aware that the wall was removed some time ago and that the premises licence holder has been approached on several occasions by officers from both Warwickshire Police and from Warwick District Council reminding him that a variation to their premises licence was required. Officers understand that the wall has been temporarily rebuilt until a decision on the variation application has been made.

3.10 A plan showing the location of the premises is attached as **Appendix 3**.

3.11 Representations have been received from Warwickshire Police (**Appendix 4**) and the NHS/PCT (**Appendix 5**) both as responsible authorities. The police are submitting a large bundle of evidence which will be circulated as a separate document to this report. The applicant's solicitor has confirmed that he holds a copy of this bundle.

ADDITIONAL INFORMATION

3.12 On the 9th May 2012, a hearing to was held to decide upon an application by Warwickshire Police for a review of the premises licence of Saint Bar.

3.13 The decision of the Licensing Panel was :

The Panel resolve that the DPS shall be removed with immediate effect and that the following conditions shall be imposed upon the licence:

- A personal licence holder must be on the premises at all times after 6.00 pm on all occasions when the premises are open.
- Three doorstaff must be employed every Thursday, Friday and Saturday from 21:00hrs until the premises have closed and all customers have

left, at least one of the doorstaff must be on duty at the front entrance to the premises and be equipped with a retail radio and earpiece. A professional risk assessment must be carried out to decide whether doorstaff are required on other nights of the week and when special events take place.

- An ID scanning system must be installed and must be used at all times that the premises are open. A weekly report or printout must be forwarded to the Warwickshire Police Licensing Officer no later than the Wednesday of the following week.
- Door staff must use a clicker-in and clicker-out to ensure that the maximum number of people in the premises does not exceed 200.
- The premises licence holder must ensure the individuals who are drunk and/or disorderly shall not be permitted access to the premises.
- The licence holder must ensure that all SIA badges are displayed on armbands worn by the door supervisors and must be valid and up to date. The licence holder must ensure that all door supervisors sign on duty as they start work and off duty when they leave and that they record all incidents which are of a serious nature and reports such incidents to the police immediately.
- The Premises must operate a refusals book and an incident book and must record all incidents that occur inside or immediately outside the premises. Such books must be made available for inspection at all times by any authorised officer
- The licence holder must supply to the Licensing Officer at Leamington Spa's Police Station a full month's list of events taking place at the licensed premises by the first day of each month. If bookings are made for parties or events at short notice such details must also be supplied in writing prior to the event and in any event as soon as reasonably practicable.
- The licence holder must attend a meeting with an appointed representative from Warwickshire Police and the Licensing Authority at intervals of no less than two months.

3.14 The conditions do not take effect until 21 days from the day of the hearing and, if an appeal is submitted, not until the appeal has been disposed of.

3.15 An appeal has been submitted and will be heard later in the year. The effect of this is that none of the conditions placed upon the premises licence by the Licensing Panel have not yet been implemented.

3.16 When considering the application the panel must give appropriate weight to:-

- a) The variation applications 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 6**).

d) The Licensing Objectives, which are the promotion of:-

- The prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

3.17 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 in order to ensure compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.

3.18 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.

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.

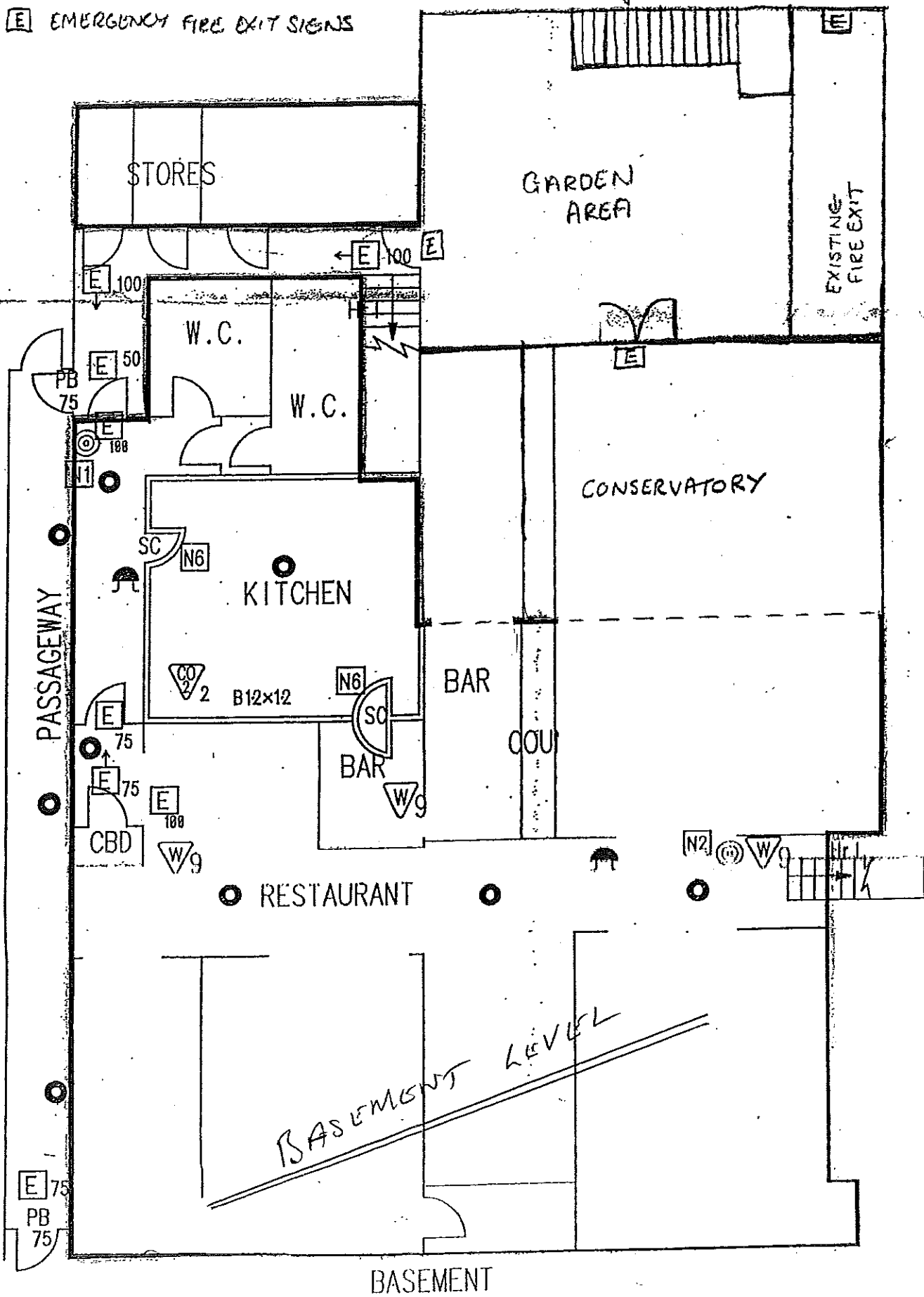
CURRENT PLAN

APPENDIX 1

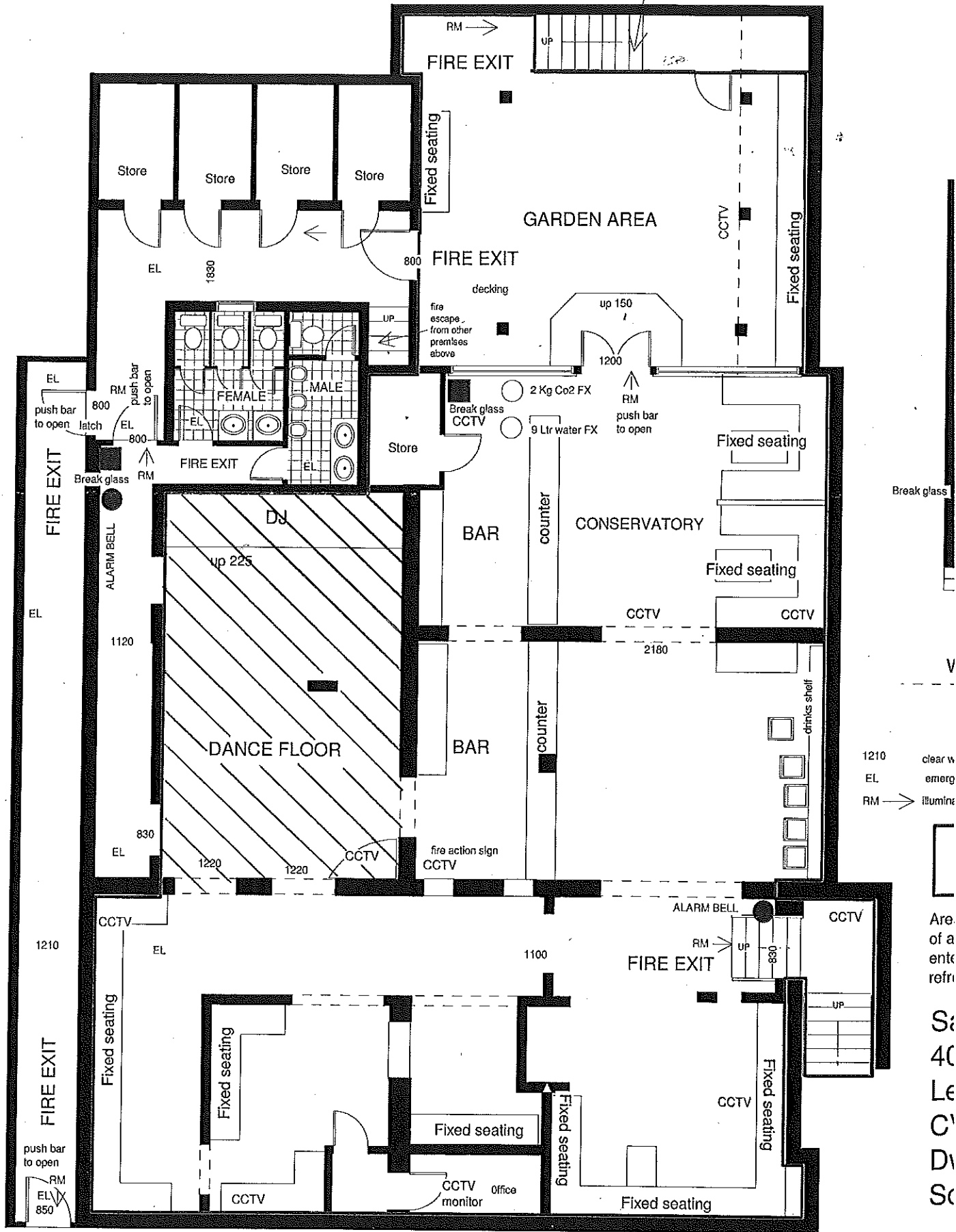
SAINTBAR RESTAURANT
AND BAR

NEW FIRE EXIT

E EMERGENCY FIRE EXIT SIGNS



PROPOSED PLAN - APPENDIX 2



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BASEMENT PLAN

PROF

APP 3
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GGP e-Maps

Property Information (Scale 1:750)

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Warwick District Council, 100018302_2012



REPRESENTATION FORM FROM RESPONSIBLE
AUTHORITIES

Responsible Authority (please delete as applicable):
Police

Your Name	Carline J Simms
Job Title	Licensing Officer
Postal and email address	Leamington Justice Centre, Newbold Terrace, Leamington Spa, Warwickshire CV32 4EL carline.simms@warwickshire.pnn.police.uk
Contact telephone number	01926 684293

Name of the premises you are making a representation about	Saint Bar
Address of the premises you are making a representation about	40 Warwick Street, Leamington Spa, Warwickshire CV32 5JS

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	<p>Warwickshire Police feel this variation to the layout of the premise will increase the potential capacity set by Fire and Rescue Service at 200 persons; this variation increases floor capacity and could potentially increase crime and disorder and have implications of public safety.</p> <p>The applicant had already undertaken alterations to the premises placed within the Cumulative Impact Zone before applying for the variation thus having no regard to and protocols and procedures of the local authorities. All evidence contained within the review bundle.</p> <p>Although the application states there will be no increase in capacity there is clear evidence contained within the previous review bundle of the lack of managerial skills within the premises. Warwickshire Police feel the management will fail in keeping any capacity limits, either self imposed or imposed by the panel while the internal management are still in place.</p>
Public safety	Yes	
To prevent public nuisance	No	
To protect children from harm	No	

APP 5



WARWICK DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE
AUTHORITIES

Public Health

Your Name	John Linnane
Job Title	Joint Director of Public Health
Postal and email address	NHS Warwickshire PO Box 43 - Shire Hall Public Health Department Barrack Street Warwick CV34 4SX johnlinnane@warwickshire.nhs.uk; emily.smith8@nhs.net
Contact telephone number	01926413712

Name of the premises you are making a representation about	Saint Bar
Address of the premises you are making a representation about	40 Warwick Street, Leamington Spa, CV325JS

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	Yes	Please see below
To prevent public nuisance		
To protect children from harm	Yes	Please see below

Suggested conditions that could	It is commonly known that Leamington has a problematic night-
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be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.

time economy with young people consuming excessive amounts of alcohol relating in incidences of Anti Social Behavior and violent crime, both of which are cross cutting issues and impact on public health. It is Public Health's responsibility to work with partners and highlight the affects of increased availability of alcohol.

We know that between April 2011 and March 2012 there were 15 Violent Crime offences either in or outside Saint Bar, 93% (14) of which were flagged as alcohol/drug related.

In the same time period for Warwick Street (exact address unknown) there were 21 violent crime offences, 81% (17) of which were alcohol/drug flagged. Whilst these incidents cannot be directly attributed to Saint Bar, they could be considered to add to the overall cumulative impact zone and alcohol related incidents in the local area. (Source: ASB Incidents – STORM Incidents System and Warwickshire Police Crime Information System).

According to police incident reports there has also been underage drinking in the premises.

Public Health would strongly urge Saint Bar to include the following conditions in their licence to mitigate the affects selling alcohol:

Public Safety:

- Responsible server training to prevent over-service, particularly in relation to intoxicated customers.
- Public awareness campaigns on responsible drinking, providing information on units/recommended limits etc.
- Controls on the price of alcohol and enforcement of the mandatory licence conditions.
- Training of bar staff and security staff on how to monitor and prevent problematic behavior including intoxication, dealing with under age persons and with rowdy customers.
- Offering smaller spirit measures as a default rather than automatic doubles.
- Providing free water and reasonably-priced non-alcoholic drinks.
- Saint Bar to signal commitment to customer and staff safety and wellbeing by advertising their commitment and the issues highlighted on posters in the premises including the toilets, on beer mats and in particular highlighting the free and easy access to tap water.

To Protect Children from Harm:

- Restrictions on who alcohol can be sold to; regularly asking young people to prove their age using Challenge 25.

	<ul style="list-style-type: none">• Welfare services including contributing to local taxi marshals.• Providing free water and reasonably-priced non-alcoholic drinks.
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Signed: 

Date: 7/6/12

**Please return this form along with any additional sheets to Licensing, Members' Services, Riverside House, Milverton Hill, Royal Leamington Spa. CV32 5HZ.
This form must be returned within the Statutory Period.**



STATEMENT OF LICENSING POLICY

Reviewed 2009

(Changes to cumulative impact zone added)

9th July 2009

1. Introduction

1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and guidelines on its content issued under Section 182 of the Act.

1.2 Warwick District Council is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population of 126,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.

1.3 The aim of this Policy is to:-

- promote the Licensing Objectives.

1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-

- **prevention of crime and disorder;**
- **public safety;**
- **prevention of public nuisance; and**
- **protection of children from harm.**

1.5 In making this Policy, the Licensing Authority recognises the following:-

- **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.**

1.6 This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.

The following, will guide that decision making process:-

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
- each licence application will be given individual consideration on its merits;
- when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
- the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).

1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.

1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.

1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

2. Delegation of Functions for Regulatory Matters

2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

3. General Statement of Guiding Principles

3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

3.2 **Principle 1 -** The Licensing Authority will not normally fix pre-determined licensing 'quotas' in any given area but see paragraphs 7 and 8.

3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8)

3.5 **Principle 2 -** The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing, hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

- 3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.9 **Principle 3 -** The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.
- 3.10 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote public safety; and
 - promote the prevention of public nuisance.
- 3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.12 **Principle 4 -** As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.
- 3.13 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote the prevention of public nuisance; and
 - address the issue of alcohol sales in shops, stores and supermarkets.
- 3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.15 **Principle 5 -** The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- 3.16 The purpose behind this Principle is to:-
- promote the protection of children from harm; and
 - address the issue of children in licensed premises, including cinemas and other public entertainment.
- 3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.18 **Principle 6 –** The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

4. Licensing Objectives

4.1 Prevention of Crime and Disorder

4.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the District.

4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.

4.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:-

- planning controls;
- enforcement of Environmental Protection legislation (e.g. on noise nuisance);
- positive measures to provide a safer and clean town centre;
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
- powers to designate parts of the District as places where alcohol may not be consumed publicly;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

4.2 Public safety

- 4.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

4.3 Prevention of public nuisance

- 4.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
 - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
 - consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.
- 4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.
- 4.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were being achieved.
- 4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives
- 4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

4.4 Prevention of Harm to Children

- 4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

- 4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.
- 4.4.3 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.
- 4.4.4 Areas that may give rise to particular concern in respect of children include premises:
- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
 - With a known association with drug taking or dealing;
 - Where there is a strong element of gambling on the premises;
 - Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 4.4.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:
- Limitations on the hours when children may be present;
 - Age limitations (below 18);
 - Limitations or exclusions when certain activities are taking place;
 - Restrictions or exclusions in respect of parts of premises;
 - Requirements for an accompanying adult;
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 4.4.6 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.
- 4.4.7 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

4.4.8 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

5. Other Considerations

5.1 Live Music, Dancing & Theatre

5.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance in neighbourhoods will always be carefully balanced with these wider benefits.

5.2 Integration of Strategies

5.2.1 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

5.2.3 Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.

5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

6. Other regulatory regimes

6.1 This policy shall avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

6.2 Health and Safety

6.2.1 Premises will normally have been visited by the Council's Environmental Health inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

6.3 Fire Safety

6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

6.4 Food Hygiene

6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

6.5 Noise

6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

6.6 Planning

- 6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

6.7 Standard Conditions

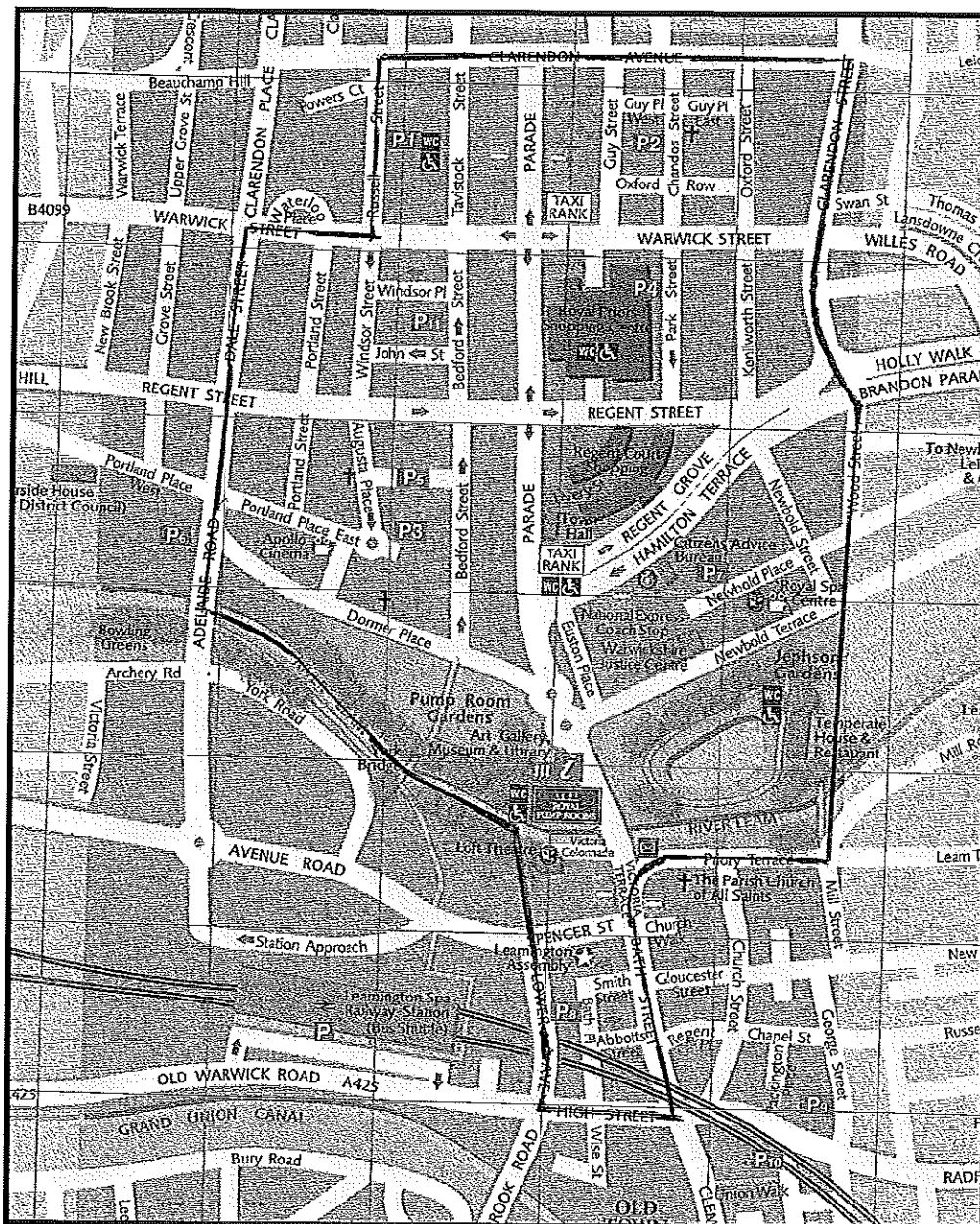
- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

6.8 Enforcement

- 6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.
- 6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Enforcement Group. Information about this group is available separately

7. Special Policy Regarding Cumulative Impact

- 7.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 7.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.
- 7.3 The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 7.3 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)



- 7.4 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.
- 7.5 The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.
- 7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined

in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

- 7.7 The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 7.8 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.
- 7.9 If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.
- 7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.
- 7.11 The policy will be subject to review.

8. Further Information

- 9.1 The Licensing Authority has produced guides for applicants.
- 9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.
- 9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.
- 9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.