

 Licensing Panel 31st October 2011		Agenda Item No.
Title	Application for a premises licence under the Licensing Act 2003 for Shades, 6A High 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	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	11/10/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	11/10/2011	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol and provide regulated entertainment must hold a premises licence.

2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report, and decide whether the application for a premises licence should be approved, and, if so, whether it should be subject to any conditions.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Shades Snooker Club Ltd has applied for a premises licence for Shades, 6A High Street, Leamington Spa to permit the following:

- *The sale of alcohol on the premises*

Monday to Wednesday 10:00 to 03:00
Thursday to Sunday 10:00 to 06:00

- *The sale of alcohol off the premises*

Seven days a week 10:00 to 23:00

- *Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, anything Similar to the previous, the Provision of facilities for Making Music, Dancing and anything similar to the previous (all indoors only)*

Monday to Wednesday 10:00 to 03:00
Thursday to Sunday 10:00 to 06:00

- *The opening hours are shown as:*

Monday to Wednesday 10:00 to 03:30
Thursday to Sunday 10:00 to 06:30

Recorded Music, Performance of Dance, the Provision of Facilities for Dancing and the opening hours to be extended from New Year's Eve to the end of permitted hours on New Year's Day.

- 3.2 An operating schedule, which would explain any steps to be taken by the applicant to promote the four licensing objectives, and will form part of any premises licence granted has been submitted as follows:

General

We have a strong management team and a training programme to ensure all staff are briefed on the licensing objectives. In particular no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, violent or anti-social behaviour and a need to protect children from harm.

The Prevention of Crime and Disorder

Responsible management controls, for example capacity levels. Ongoing staff training including identification of anti-social or unusual behaviour. Training and supervision of all staff to adopt best practice, adhere to the Portman Group on drinks strategy.

Use of proof of age scheme, internal and external lighting checked regularly.

All door supervisors to be SIA registered and badged.

Door supervisors to be on duty every Friday and Saturday night from 21:00 hrs till close, irrespective of what entertainment is taking place within the premises.

Door supervisors to be on duty on every occasion where erotic dancing/adult entertainment is to take place and to start no later than 30 minutes before the entertainment starts until close.

At least one door supervisor to be on duty within the vicinity of the activity taking place within the premises, which is in addition to the required door supervisors controlling entrance/exit.

DPS must make a professional risk assessment at any other times not covered by the above conditions when premises are open as to whether to employ door supervisors.

Panic buttons to be installed within each private booth and near stage area for the protection of performers

CCTV to conform to Police Digital Standards requirement and meet the approval of Warwickshire Police Architectural Liaison Officer.

CCTV to include cameras within each private booth and the communal area of unisex toilets.

No open vessels to be removed from the premises at any time.

No off sales shall take place after 23:00 hrs.

No outdoor activity to take place after 23:00 hrs.

All doors and windows to be closed after 23:00 hrs.

Membership of Pubwatch and conform to its procedures and requirements.

Membership of Retail Radio and conform to its policies.

No person under 18 years to be allowed in the premises.

Public Safety

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas and relevant equipment ,checked and maintained in working order and tested annually. Fire risk assessment carried out weekly

The Prevention of Public Nuisance

Zero tolerance to drunken or anti-social behaviour.

Regular visits to all parts of the premises.

Out of hours deliveries to be monitored.

All staff to ensure quiet departure of patrons.

Ventilation to be maintained to prevent nuisance of odour and noise.

All doors and windows will be kept closed after 23:00.

No outdoor activity will take place after 23:00 hrs.

Noise levels arising from regulated entertainment shall not be intrusive when measured one metre from the façade of noise sensitive premises and shall not be audible within adjoining or other residential premises within the area.

All windows and doors shall be closed, except for access and egress, when regulated entertainment is provided.

The Protection of Children from Harm

Proof of age scheme in use at the premises.

No person under 18 years to be allowed in the premises.

No material to be displayed externally and visible to the general public of an adult nature.

No adult entertainment to be visible from outside the premises.

- 3.3 The application shows that the premises will provide entertainment of an adult nature (pole dancing) "on a monthly basis for no more than 11 months a year"
- 3.4 From the 4th October 2011, adult entertainment of this type requires a separate licence issued under the Local Government (Miscellaneous Provisions) Act 1982 (LGA 1982).
Shades applied for such a licence, but the application was rejected by the Council's Regulatory Committee.
However, adult entertainment does **not** require a separate licence under the LGA 1982 in the following circumstances:
- (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;*
(ii) no such occasion has lasted for more than 24 hours; and
(iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided
- 3.5 The application, as submitted, should therefore be assessed using criterion available under the Licensing Act 2003, **not** the criterion under the LGA 1982.
- 3.6 A representations against the application has been received from Warwick District Council, Environmental Health as a Responsible Authority which is shown as Appendix 1.
- 3.7 A plan of the area is shown as Appendix 2
- 3.8 This is a new application for a premises licence under the Licensing Act 2003. However, for information purposes only, Shades currently hold a premises licence which permits:

The sale of alcohol on the premises

Monday to Thursday	10:00 to 03:00
Friday and Saturday	10:00 to 04:00
Sunday	10:00 to 01:00

The sale of alcohol off the premises

Monday to Thursday	10:00 to 23:00
Friday and Saturday	10:00 to 23:00
Sunday	10:00 to 23:00

Recorded Music, Performance of Dance, Provide facilities for Dancing

Monday to Thursday	20:00to 03:00
Friday and Saturday	18:00 to 04:00
Sunday	21:30 to 01:00

The opening hours of the premises

Monday to Thursday	10:00 to 03:30
Friday and Saturday	10:00 to 04:30
Sunday	10:00 to 01:30

- 3.9 When considering the application the panel must 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 (Appendix 3).
 - 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.

- 3.10 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 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.

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.