

 Licensing & Regulatory Committee 4 July 2016		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for Bar Angeli, 5 Livery Street, Royal Leamington Spa.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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
Equality and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	23/6/2016	Lorna Hudson
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	23/6/2016	Moira-Ann Grainger
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Ms Charlotte Ahmadi for Bar Angeli, 5 Livery Street, Royal Leamington Spa.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a premises licence for Bar Angeli, 5 Livery Street, Royal Leamington Spa, should be granted and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Ms Ahmadi applied for a premises licence for Bar Angeli, 5 Livery Street, Royal Leamington Spa, on 17 May 2016.
- 3.2 The premises licence is for a restaurant/cafe selling alcoholic beverages with food served by waiters/waitresses. Discussions took place with Environmental Health to amend the application to reduce the hours for late night refreshment and hours of opening. The licensable activities which are now requested, following those discussions are set out in the table below:

	Sale of alcohol for consumption on and off the premises	Opening Hours	Late Night Refreshment
Everyday	10:30 to 23:30	08:30 to 23:30	23:00 to 23:30

- 3.3 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

General

Consideration must be given to the following:

Public Safety, personal safety, environmental protection duty of care (waste disposal).

All entrances, exits and escape routes kept free of obstacles at all times.

Training of staff and management in basic food hygiene and safe handling of all food. Health and Safety at Work Act 1974 to be observed by taking steps for the safety of employees, customers, visitors and on site contractors. Keeping a health and safety risk assessment, accident book hazard analysis. Provision of CCTV in operation. To follow the rules and adhere to policy and procedures lay down by the Licensing Authority at all times.

The prevention of crime and disorder

Total occupancy of the premises is not considered large enough to represent any form of nuisance.

- 1. CCTV to be installed to the current British Standard BS7958. This consists of:

- Head and facial recognition coverage. Recordable and retained for a minimum of 31 days.

At least one member of staff should be on duty at all times who can operate, access, and download the images on request of the Police or Local Authority. Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.

2. No open vessels to be removed from the premises on or off licence sales.
3. Provide training for staff to operate the CCTV and to deal with drunken and disorderly customers. Staff shall refuse sale of alcohol to persons behaving in a disorderly manner and shall ask them to leave the premises.

Public Safety

All reasonable steps to protect health safety and welfare at work of staff, customers, visitors, and on site contractors by the design and layout of the premises, are prime objective of the management, hence keeping all access/egress and fire escape routes clear at all times, provision of adequately visible signage. Regular servicing of all equipment. Avoid allowing drunken and disorderly customer to enter the premises and to refuse service to such persons entering the premises. Provision and regular servicing of fire extinguishers and training of staff in the correct use of them. Continued training of all staff in handling of alcohol. Regular servicing of all safety equipment's by qualified and registered person.

The prevention of public nuisance

Internal communications, logging and responding to complaints within time limits. Measures taken in noise controls.

Training for appropriate staff. To refuse service to troublemakers and reporting to local police of any unusual and abnormal activities taking place by any individuals in or around the premises. Last resort police assistance to be sought. CCTV in operation (24hrs).

The protection of children from harm

Requirement for all children to be accompanied by adults. All children must have adequate supervision. Exclusion of children in and or around the kitchen and bar area. Requirement for all children to be accompanied by adults. All children must have adequate supervision at all times while they are present in the restaurant. Children will not be allowed to roam freely around the premises. The premises will maintain and update a refusal of alcohol registrar, and document made available upon request of the Police or Local Authority. No children allowed at the bar serveries. In order to avoid underage sale of alcohol the following will be implemented at all times.

- (a) A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
- (b) A 'Challenge log' recording all challenges – where both sales and refusals result.
- (c) A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made.
- (d) Regular staff training to ensure that both the law and company policies/procedures are understood, up-to-date and applied consistently.

3.4 A representation has been received from a resident of Royal Leamington Spa. This is attached as appendix 1.

3.5 Representations were also received from Warwickshire Police and Environmental Health. However, conditions have been agreed with the applicant and these representations have subsequently been withdrawn. These conditions were agreed and therefore will be added to any premises licence issued:

1. With the exception of smokers, the outside area shall not be used by customers after 21:00. Drinks shall not be permitted to be consumed in the outside area after 21:00.
2. Alcohol only to be supplied to those persons partaking of a table meal.
3. Alcohol to be table served by waiter/waitress service at all times.
4. Doors and windows must be kept shut after 21:00 hours except for entry and egress.
5. No open vessels to be taken outside the curtilage of the premises at any time.
6. No speakers for the amplification of music shall be placed on the outside of the premises.
7. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.
8. No entry after 23.00hrs
9. DPS to make on going professional risk assessments as to whether to employ door supervisors at anytime
10. Premises to join the locally approved retail radio scheme and conform to its policies and procedures
11. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area
12. Outside areas and activity must cease and be cleared at 22.30hrs
13. Refusals book / register to be maintained and made available for inspection on reasonable request from responsible authority.
14. No persons under the age of 18 years will be allowed on the premises after 21.00hrs unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority

3.6 No representations have been received from:

- Fire Authority
- Enforcement Agency for Health and Safety.
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health
- Body responsible for the protection of children from harm
- Warwickshire County Council (Weights and Measures)

3.7 There are currently no licensable activities taking place at the premises and therefore there is no evidence in relation to licensing which can be detailed in the report.

3.8 A plan of the premises provided by the applicant is attached as appendix 2, photographs of the area are attached as appendix 3 and a map of the area is attached as appendix 4.

3.9 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

4. POLICY FRAMEWORK

- 4.1 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 (attached as appendix 5)
 - 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.

- 4.2 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 the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.3 Details of the procedure adopted by the Licensing Committee for Panel Hearings have 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.

5. BUDGETARY FRAMEWORK

- 5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

6. RISKS

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 21 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.