

 Licensing & Regulatory Panel - 21 August 2014		Agenda Item No. <div style="text-align: right; font-size: 2em;">3</div>
Title	Application for the variation of a premises licence under the Licensing Act 2003 for The Loose Box, 4 Bedford 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	30.7.2014	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	30.7.2014	Michael Coker
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 variation of a premises licence from Mr Mohan Kandola.
- 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 the grant of a variation to the premises licence for The Loose Box should be approved and if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Mr Kandola applied for a variation to the premises licence on 26 June 2014. The table attached as Appendix 1 shows the current licensable hours and the variation which has been applied for.
- 3.2 An operating schedule is already in place and forms part of the current licence. The current operating schedule is as follows:

General

A record of all staff training must be maintained and made available to an authorised officer upon request.

The prevention of crime and disorder

Door staff must be on duty on the following days and times:

Friday and Saturday from 20:00 until the premises closes.

On all other days:

(a) when the premises remains open after 01:00, doorstaff must be employed from 21:00 until the premises closes

(b) when the premises closes before 01:00, the DPS must make on-going risk assessments as to the need to employ doorstaff.

CCTV to be installed to current British Standards and used at all times when licensable activities are taking place. CCTV must include the following:

Cameras must cover all public areas and include head and facial recognition.

The images must be recordable and they must be maintained for a minimum of 31 days.

The images must be a minimum of 12 frames per second.

The system, must be inspected and agreed with the police architectural liaison officer.

No open vessels to be removed from premises at any time for both on or off licence sales.

The premises must remain a member of Pubwatch and conform to its requirements and must also maintain membership of the WRCI retail radio scheme, and abide by all of the policies and procedures required by the scheme.

The protection of children from harm

Proof of age is required of anyone who reasonably appears to be under 18 years old.

Under 18's will not be allowed on the premises after 18:00 on any day.

The prevention of public nuisance

No outdoor activity/drinking is permitted after 23:00 and all areas must be cleared by this time.

All doors and windows to be closed after 23:00 save for entry and egress.

The door from the bar to the rear yard to remain closed whilst live or recorded music entertainment is provided.

A noise limiter must be used when regulated entertainment takes place which must be set at a level agreed by the Environmental Health Officer.

- 3.3 The applicant has submitted further steps to be included in the operating schedule. These are as follows:

General

Door supervisors are employed every Friday and Saturday night to start no later than 21:00 hrs.

CCTV in operation.

The prevention of crime and disorder

The Loose Box have a full recording system, all incidents are recorded.

The Loose Box will operate a zero policy against drugs. Customers found with or using drugs will have them confiscated, details taken and police called.

Customers behaving in a violent nature or anti-social manner will be reported to the Pub Watch Co-ordinator.

Public safety

First Aid training for designated members of staff.

The protection of children from harm

Anyone under the age of 18 will not be permitted on the premises after 21:00 hours.

Anyone under the age of 18 is in the company of an adult.

We operate under 'Challenge 21' scheme

The prevention of public nuisance

Windows and doors closed at 23:00

Noise limiters are fitted.

- 3.4 The Licensing Department has received no complaints in the last 12 months in relation to the Loosebox and Street Marshalls employed by Warwick District Council are required to spend very little time assisting the premises.
- 3.5 Since July 2013 The Loose Box has applied for two Temporary Event Notices to extend their licensable hours to 3am on Mondays. The Licensing Department have not received any complaints in relation to these events being held.
- 3.6 Representations have been received from Warwickshire Police attached as appendix 2 and Royal Leamington Spa Town Council attached as appendix 3.
- 3.7 **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.**

- 3.8 A map of the area of the premises is attached as appendix 4 and a copy of the internal plans submitted with the premises application will be made available at the Licensing Panel.
- 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 (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.

- 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 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.

4. BUDGETARY FRAMEWORK

- 4.1 Any costs involved in any appeal could be levied against the Licensing Authority.

5. ALTERNATIVE OPTION(S) CONSIDERED

- 5.1 No alternatives may be considered

6. BACKGROUND

- 6.1 None