



Agenda Item 4

Licensing and Regulatory Panel
18 April 2024

Title: Application for a new Premises Licence under the Licensing Act 2003 for St Nicholas Park, Banbury Road, Warwick, CV34 4QY

Lead Officer: Emma Morgan

Public report

Wards of the District directly affected: Warwick Saltisford

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Team Leader	15.3.2024	Rachael Russell
Legal Services	19.3.2024	Sue Mullins

1. Summary

Warwick District Council Licensing Authority has received a valid application for a new premises licence at St Nicholas Park, Banbury Road, Warwick, CV34 4QY. A representation has been received in relation to this application for the consideration of the Panel in the determination of the application.

2. Options available to the Panel

The Panel is asked to consider the information contained in this report and decide whether the application for a new premises licence for the St Nicholas Park, Banbury Road, Warwick, CV34 4QY, should be granted and, if so, whether the licence should be subject to any additional conditions. The following options are available to the Panel:

Option 1 – Grant the application as requested;

Option 2 – Grant the application with amended hours and/or added conditions; or

Option 3 – Refuse the application.

3. Details for Consideration

3.1 When considering the application, the Panel must also 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 8**)
- 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 must only consider those licensing objectives which have been referred to in the representations received.

3.2 The Council's Statement of Licensing Policy 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.

3.4 New Vision Events Limited applied for a new premises licence for St Nicholas Park, Banbury Road, Warwick, CV34 4QY on 23 February 2024. The

application is for one weekend per year comprising of a Friday and Saturday between May to September.

3.5 The application is for the sale of alcohol on the premises and regulated entertainment. A copy of the relevant part of the application form is attached as **Appendix 1**.

3.7 The Licensing Department has received an objection from Myton Road Residents Association, which is attached as **Appendix 2**. The response from the applicant to the objector is attached as **Appendix 3**. The Licensing Department also received an objection from Warwickshire Police attached as **Appendix 4**. The objectors have been invited to attend the Licensing and Regulatory Panel.

3.8 A number of conditions have been agreed with Trading Standards. The conditions agreed will form part of any licence, if granted, and are attached as **Appendix 5**.

3.9 Following pre-application discussions further conditions have been agreed with Environmental Health which the applicant included in their application. However, one of the conditions has been amended with the agreement of the applicant and Environmental Health. This condition is highlighted within **Appendix 1** of the report and has been replaced with the following:

'The Premises Licence Holder (or their nominated person) shall ensure that the Music Noise Level (MNL) of the event shall not exceed 65dB(A) over a 15-minute period when measured at the locations specified in the Noise Management Plan.'

1.1 3.10 On Monday 25 March 2024 the Licensing Department received additional information from the applicant, which they requested be shared with all parties and Members. This is attached as **Appendix 6**.

3.11 No representations have been received from:

- Fire Authority
- The Licensing Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Planning
- National Health Service/Public Health

3.12 A plan showing the location of the premises is attached as **Appendix 7**.

4. Legal Comments

4.1 The Council's Statement of Licensing Policy 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 to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.

- 4.2 Restrictions may be required as licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.
- 4.3 There is also an expectation in the Policy that premises selling alcohol will be properly managed in accordance with the Act and operate in a way that promotes the prevention of crime and disorder and that, where alcohol is being sold, premises licence holders will operate a recognised Age Verification Scheme.
- 4.4 Details of the procedure adopted by the Licensing and Regulatory 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. The decision should be made in accordance with the Panel's agreed procedure.
- 4.5 All parties to the Hearing will be notified of the decision of the Panel in writing within five working days of the conclusion of the hearing.
- 4.6 Any party aggrieved by a decision taken by the Panel may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.

5. Policy Framework

5.1. Fit for the Future (FFF)

- 5.1.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.
- 5.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

5.2 FFF Strands

5.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - The licensing policy recognises 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.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

5.3 Internal impacts of the proposal(s)

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.