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|  Licensing & Regulatory Committee 7 September 2016 | | Agenda Item No. 3 |
| Title | Application for a premises licence under the Licensing Act 2003 for 27 Augusta Place, Royal Leamington Spa, CV32 5EL | |
| 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| Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 | |

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| 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 |
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| Officer/Councillor Approval | | |
|--|-----------|--------------------|
| Officer Approval | Date | Name |
| Chief Executive/Deputy Chief Executive | | |
| Head of Service | 16.8.2016 | Marianne Rolfe |
| CMT | | |
| Section 151 Officer | | |
| Monitoring Officer | | |
| Finance | | |
| Portfolio Holder(s) | 17.8.2016 | 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 Punch Taverns PLC for 27 Augusta Place, 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 27 Augusta Place, Royal Leamington Spa, should be granted and, if so, whether the licence should be subject to any conditions.

3. THE APPLICATION

- 3.1 Punch Taverns PLC applied for a premises licence for 27 Augusta Place, Royal Leamington Spa on 18 July 2016.
- 3.2 The premises licence is for a restaurant with a small reception bar. The licensable activities requested by applicant are detailed in the table shown below.

| | Opening Hours | Sale of alcohol for consumption on and off the premises | Late Night Refreshment (Indoors) |
|--------------------|----------------|---|----------------------------------|
| Monday to Saturday | 10:00 to 01:00 | 10:00 to 00:30 | 23:00 to 01:00 |
| Sunday | 10:00 to 00:30 | 10:00 to 00:00 | 23:00 to 00:30 |

*For all of the above From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

- 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

Locations of fire safety and other safety equipment, subject to change in accordance with the requirements of the responsible authorities or following a risk assessment. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time. The premises shall operate as a restaurant, with a small reception/bar as indicated on the plan where customers may only drink alcohol whilst waiting for a table in the main restaurant.

Sales of alcohol shall be by waiter/waitress service only.

All sales of alcohol, with the exception of sales to customers waiting to be seated in the main restaurant area, shall only be to persons seated and partaking of a substantial table meal.

The prevention of crime and disorder

Customers shall not be permitted to take bottles or glasses outside the premises, except into any designated external areas either shown on the plan as being part of the premises or licensed by way of tables and chairs permission.

CCTV shall be installed and operated at the premises. Notices to this effect shall be displayed as required to comply with data protection legislation. CCTV shall be capable of being stored for a minimum of 31 days. The areas covered by CCTV to include the entrance/exit and at least one camera will cover each public area (with the exception of the toilets and corridor/staircase to the toilets. Images shall be capable of being downloaded onto a portable device, such as DVD or memory stick, and shall be provided to Warwickshire Police by an agreed time.

Public Safety

At least one member of staff shall have received first aid training.

The protection of children from harm

A Challenge 21 policy shall be operated at the premises and all Staff responsible for the sale of alcohol shall be trained in relation to the policy and in relation to the law relating to the sale of alcohol in general.

No persons under 18 shall be permitted onto the premises after 21:00hrs unless accompanied by an adult.

3.4 Six representations have been received objecting to the grant of the premises licence, these are attached as appendices 1 to 6.

3.6 No representations have been received from:

- Warwickshire Police
- Fire Authority
- Environmental Health
- 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 In November 2005 a premises licence was issued under the Licensing Act 2003 for 27 Augusta Place, Leamington Spa. This premises licence remained in place until April 2011 when the licence lapsed due to bankruptcy. In January 2012 a premises licence was refused for the premises to operate as a bar by the Licensing Committee. Therefore, since April 2011 there has not been a premises licence at the premises.

3.7 A plan of the premises provided by the applicant is attached as appendix 7, a map of the area is attached as appendix 8 and photographs of the area are attached as appendix 9.

- 3.8 **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 10)
 - 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.