

 <b>Licensing &amp; Regulatory Committee</b> <b>3 May 2016</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for a variation of a premises licence under the Licensing Act 2003 for 12 West Street, Warwick	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality and Sustainability Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	21.4.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	21.4.2016	Moira-Ann Grainger
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps - None</b>		

## 1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a variation of a premises licence from Mr Thomas Douglas for 12 West Street, Warwick.
- 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 variation of a premises licence for 12 West Street, Warwick, should be approved and, if so, whether the licence should be subject to any conditions.

## 3. **THE APPLICATION**

- 3.1 Mr Douglas applied for a variation of the premises licence for 12 West Street, Warwick, also known as The Old Post Office, on 21 March 2016. The current premises licence is attached as appendix 1.
- 3.2 The application submitted by Mr Thomas is to:
- Remove the condition 'No open vessels to be taken off the premises'
  - Extend the licensable area to include the rear garden.
- 3.3 Additions to the operating schedule, which will be added to any licence issued, have been supplied as follows:

### *General*

We do not serve spirits, we promote real ale, don't to bottle beer so this prevents customers carrying bottles about. We encourage customers to bring their own food to match with ale. Children are rarely inside the bar but are only with parents.

### *The prevention of crime and disorder*

No spirits, no bottles, no television, no fruit machines.

### *Public Safety*

No bottled beers, signage highlighting health hazards etc.

### *The prevention of public nuisance*

Control of customers and their drinking.

### *The protection of children from harm*

Children only allowed with parents.

- 3.4 Representations have been received from two local residents, these are attached as appendices 2 and 3.
- 3.5 A representation form confirming no objection has been received from Environmental Health, attached as appendix 4.

3.6 No representations have been received from:

- Warwickshire Police
- 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 The premises licence for 12 West street, Warwick, was issued on 2 January 2014. Since the licence was issued, the Licensing Department has received one complaint in relation to customers using the front of the premises.

3.8 A plan of the premises provided by the applicant is attached as appendix 5 and a map of the area is attached as appendix 6.

#### 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 7)
- 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.