

	Licensing Panel 31st March 2011	Agenda Item No.
Title	Application for a premises licence under the Licensing Act 2003 Metro Bar and Grill, Old Post Office, 4-14 Old Square, Warwick	
For further information about this report please contact	Jayne Bailey, Licensing Enforcement Officer, Community Protection. Tel: 01926 456113. jayne.bailey@warwickdc.gov.uk	
Service Area	Community Protection	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	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

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	21/03/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	21/03/2011	Councillor Kirton
Consultation Undertaken		
N/A		
Final Decision?	Yes	

1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol and provide recorded music and late night refreshment must apply for a premises licence.

2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report, and decide whether the application for a premises licence should be approved, and, if so, whether it should be subject to any conditions.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Metro Bar and Grill (Warwick) Limited has applied for a premises licence for the Metro Bar and Grill, Old Post Office, 4-14 Old Square, Warwick, to permit the following:

- *The sale of alcohol (on and off the premises)*
08:00 to 01:00 Seven days a week
- *Live music (not more than 4 performers), recorded music, performance of dance (all indoors)*
08:00 to 01:00 Seven days a week
- *Late night refreshment (on the premises)*
23:00 to 01:00 Seven days a week
- *The opening hours are shown as:*
08:00 to 01:30 Seven days a week

All of the above hours extended on New Year's Eve until 03:00 the next day

- 3.2 A description of the premises has been supplied by the applicant and is shown as Appendix 1.
- 3.3 An operating schedule, which will form part of any licence issued, has been submitted and is shown below:

General

We have a well trained management team and a training programme to ensure all staff are briefed on the licensing objectives covering in particular no underage drinking, no drunkenness on the premises or outside the premises, no use of drugs, no violent or anti-social behaviour and that there is a need to protect children from harm. Membership to Warwick District Pub Watch and Retail Radio and conform to its requirements policy and procedure.

The prevention of Crime and Disorder

Responsible management controls, for example capacity levels. Ongoing staff training including identification of anti-social or unusual behaviour. Training and supervision of all staff to adopt best practice, adhere to the Portman Group on drinks strategy. Use of proof of age scheme, internal and external lighting checked regularly.

CCTV will conform to British Standard – with live time recording and will be installed in a position agreed with the Community Safety/Architectural Liaison Officer of Warwickshire Police.

The premises has a burglar alarm.

Designated Premises Supervisor shall undertake a constant risk assessment in respect of whether the premises require door staff and 14 days notice for such events will be given to the Police Licensing Team at the Warwickshire Justice Centre with an assessment as to the number of door staff required and on such nights as they are required they shall be on duty no later than 21:00hrs.

No entry or re-entry after 00:00hrs when the premises are open after 00:00hrs.

Public Safety

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually. Fire risk assessment carried out weekly. Adoption of best practices, e.g. National Alcohol Harm Reduction Strategy.

A fire risk assessment will be carried out before the premises open to the public.

Prevention of public Nuisance

Responsible management at all times. Zero tolerance to drunken or anti-social behaviour. Regular visits to all parts of the premises. Management and staff, voluntarily follow best practice, e.g. control of noise from pubs and clubs. Out of hours deliveries to be monitored. All staff trained to ensure quiet departure of patrons. Ventilation to be maintained to prevent nuisance of odour and noise. Recorded music sound levels to be monitored.

No regulated entertainment shall constitute a statutory nuisance in any residential accommodation within adjoining premises.

Noise arising from regulated entertainment within these premises when measuring one metre from the façade of any noise sensitive premises shall not be such as to constitute a statutory nuisance.

All doors and windows shall be closed (except for access and egress) when any regulated entertainment takes place within the premises.

No empty bottles to be removed from the premises other than between the hours of 10:00hrs to 17.00hrs.

Protection of children

Provision of sufficient staff to protect children from harm, with training on appropriate behaviour. Children have to be accompanied by a responsible person who has attained the age of 18. No persons under 18 years of age in the bar area after 21.00 except with express permission of the Designated Premises Supervisor or a person acting under his/her authority.

The premises shall adopt the Challenge 21 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar servery. The premises will operate a policy whereby any person attempting to buy alcohol will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence (this to be checked to ensure that it is not a provisional licence where the bearer could still be under 21) with a photograph or an accredited proof of age card bearing the PASS mark hologram.

- 3.4 Representations against the application have been received from Warwickshire Police (Appendix 2) and Environmental Health (Appendix 3) as responsible authorities.
- 3.5 A map of the area is shown as Appendix 4 and a plan of the premises is shown as Appendix 5
- 3.6 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 (Appendix 6).
 - 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.

- 3.7 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.
- 3.8 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. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

6.1 None

7. **BACKGROUND**

7.1 None.