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|  <b>Licensing Panel<br/>17 December 2014</b>                                                                                                   |                                                                                                                                  | <b>Agenda Item No.<br/><br/>3</b> |
| <b>Title</b>                                                                                                                                                                                                                    | A Temporary Event Notice submitted for Turtle Bay, 11 Regent Court, Leamington Spa with objections from Environmental Health     |                                   |
| <b>For further information about this report please contact</b>                                                                                                                                                                 | Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113<br>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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 &amp; Sustainability Impact Assessment Undertaken</b>          | No |
|                                                                            |    |

| Officer/Councillor Approval            |            |                |
|----------------------------------------|------------|----------------|
| Officer Approval                       | Date       | Name           |
| Chief Executive/Deputy Chief Executive |            |                |
| Head of Service                        | 11/12/2014 | Marianne Rolfe |
| CMT                                    |            |                |
| Section 151 Officer                    |            |                |
| Monitoring Officer                     |            |                |
| Finance                                |            |                |
| Portfolio Holder(s)                    | 11/12/2014 | Michael Coker  |
| Consultation & Community Engagement    |            |                |
| N/A                                    |            |                |
| Final Decision?                        |            | Yes            |
| Suggested next steps - None            |            |                |

## 1. **SUMMARY**

- 1.1 A temporary event notice submitted under the Licensing Act 2003 has been received from Turtle Bay, 11 Regent Court, Leamington Spa. The temporary event notice was submitted for the extension of sale of alcohol and regulated entertainment on New Year's Eve from 23:00 to 01:00 the following day. Environmental Health have submitted a representation objecting to the temporary event.

## 2. **RECOMMENDATION**

- 2.1 The panel may decide not to allow the temporary event to proceed and to issue the user with a counter notice if it considers it necessary for the promotion of the prevention of public nuisance objective to do so. A notice stating the reasons for the decision must also be issued.
- 2.2 The panel may decide to allow the temporary event to proceed and must give a notice stating the reasons for the decision.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 On 10 December 2014 the Licensing Department received a temporary event notice from Mr Marc Hyatt, the General Manager at Turtle Bay, Leamington Spa. The temporary event notice is attached as appendix 1.
- 3.2 The Police and local Environmental Health Authority have powers to object to a temporary event notice where they are satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.
- 3.3 On 11 December 2014 the licensing department received an objection to the temporary event notice from Environmental Health. The objection is attached as appendix 2.
- 3.4 In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless Environmental Health, the premises user and Licensing Authority agree that a hearing is unnecessary. The hearing must be concluded, and notice of the decision given to the premises user and the Police, no later than 24 hours before the temporary event is due to commence.
- 3.5 The panel can only consider those licensing objectives detailed in the objection received from Environmental Health and the panel can only add conditions to the temporary event notice which are already on the premises licence. These conditions must also be consistent with the event and the licensable activities set out in the temporary event notice. The conditions currently imposed on the premises licence are as follows:
- Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
  - The premises supervisor, manager or other competent person shall manage the area to ensure that customers do not behave in a noisy, rowdy or offensive manner.

- CCTV shall be in use at the premises:
  - Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational prior to any licensable activity taking place. Where existing CCTV systems are to be replaced or extended the replacement or extension of the system shall be concluded and the CCTV system shall be fully operational before any licensable activities take place.
  - The CCTV equipment shall be maintained in a good working order and continually record when licensable activity takes place and for a period of two hours afterwards.
  - The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.
  - The correct time and date will be generated onto both the recording and the real time image screen.
  - There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all hours the premises is open to the public.
- The premises licence holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.
- All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer
- and the member of staff receiving the training. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
- An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as "Challenge 21" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under the age of 21 years of age. Acceptable proof of age would include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photocard driving licence and passport. Publicity materials notifying customers of the operation of the Challenge 21 scheme shall be displayed at the premises including a Challenge 21 sign of at least A5 size at the entrance of the premises and where practical at each point of sale.
- The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
- Substantial food available until 60 minutes before close.
- At any given time a minimum of 75% of the public trading area will be set to tables and chairs.

- No open vessels to be taken outside the curtilage of the premises at any time.
- Access to the premises by children is not restricted or prohibited save that all children must be accompanied by an adult after 22:00 hours.
- No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming part of the premises.
- The DPS shall make an ongoing professional risk assessment as to whether to employ SIA doorstaff at any time but such doorstaff are to be employed in any event from 22:00 hours on the 24th and 31<sup>st</sup> December.
- Membership of locally approved retail radio scheme and conform to its policy and procedures.
- The entrance door to be closed after 23:00 except for access and egress.
- That not to display advertisements outside the premises advertising drinking promotions.

3.6 If the panel decide the event cannot go ahead a counter notice must be issued.

3.7 There are no public advertising requirements for a temporary event notice and 'other persons' (including local residents and businesses) are not entitled to raise representations for this type of licensing process.

3.8 A map of the area of the premises is attached as Appendix 3.

3.9 When considering the application the panel must give appropriate weight to:-

- a) The representation 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 4)
- d) The relevant Licensing Objectives, which are:-

The Prevention of Crime and Disorder

Public Safety

3.10 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 None.

#### 5. **ALTERNATIVE OPTION(S) CONSIDERED**

5.1 No alternatives may be considered

#### 6. **BACKGROUND**

6.1 None