

		Licensing Panel 18th January 2012	Agenda Item No.
Title		Application for a premises licence under the Licensing Act 2003 by S J Dixon (Holdings) Ltd	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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 authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	04/01/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	04/01/2012	Councillor Coker
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 regulated entertainment and late night refreshment must hold 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 S J Dixon (Holdings) Ltd has applied for a premises licence for a premises previously known as Ocean Bar, 44 Oxford Street, Leamington Spa to permit the following:

- *The sale of alcohol on the premises*
10:00 to 00:00 (midnight) Seven days a week
- *The sale of alcohol off the premises*
10:00 to 23:00 Seven days a week
- *Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, anything Similar to the previous, the Provision of facilities for Making Music, Dancing and anything similar to the previous, making music, dancing, anything similar to making music and dancing (all indoors only)*
10:00 to 23:00 Seven days a week
- *Late night refreshment*
23:00 to 00:00 (midnight) Seven days a week
- *The opening hours are shown as:*
10:00 to 00:30 Seven days a week

All above (except alcohol off sales) to be extended New Year's Eve until commencement of permitted hours New Year's Day

- 3.2 An operating schedule, which would explain any steps to be taken by the applicant to promote the four licensing objectives, and will form part of any premises licence granted has been submitted as follows:

General

- A training programme to ensure all staff are briefed on the licensing objectives shall be put in place. This programme shall include underage drinking, the control of drunkenness on the premises or outside of the premises, the control of drugs and violent or anti-

social behaviour and the need to protect children from harm.

- No punch bag or similar strength machines to be installed

The Prevention of Crime and Disorder

- No open vessels shall be removed from the premises at any time.
- SIA registered and badged door staff Door staff to be employed every Friday and Saturday nights from 21.00hrs until close. The DPS shall make a professional risk assessments on number of door staff required dependant on activity taking place within the venue.
- The DPS shall carry out risk assessment as to whether door staff are required on other nights.
- Door staff to start no later than 21:00 hrs until close on evenings when required.
- CCTV shall conform to British Standard – with live time recording and will be installed in positions agreed with the Community Safety/Architectural Liaison-Warwick District Police. Head and facial recognition coverage. Recordable and retained for a minimum of 31 days and at least one member of staff should be on duty at all times who can operate access and download images on the request of the Police or Local Authority. Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.
- An incident log shall be maintained and be available for inspection by the relevant authorities.
- The Designated Premises Supervisor shall join and actively support the local Police Approved Pubwatch & Radio Scheme and conform to its policies and procedures.

Public Safety

- Fire Detection, alarms, fire fighting equipment/suppression systems shall be installed and working to the satisfaction of the Warwickshire Fire Service.
- First aid training shall be implemented for a member of staff.
- Health and Safety and Fire risk assessments shall be carried out regularly.
- Numbers admitted will be counted and monitored.
- The management team shall ensure that all staff have been made fully aware of and trained in their responsibilities to the public and to emergency fire plan arrangements.

The Prevention of Public Nuisance

- Zero tolerance shall be observed to drunken or anti-social behaviour. Regular visits to all parts of the premises.
- Out of hours deliveries shall be monitored.

- Ventilation shall be maintained to prevent nuisance of odour and noise.
- Prominent, clear and legible notices shall be displayed at the exit, requesting patrons departing to respect the needs of local residents and to leave the premises and the area quietly.
- Management shall ensure that the outside of the premises is kept clear of cans and other debris, which will be appropriately disposed of.
- Any noise arising from any permitted regulated entertainment shall not be audible when monitored one metre from the façade of the nearest noise sensitive building
- Any sound system used at the premises will, at all times, operate through a noise limiting device which has been installed, tested, and level set to the satisfaction of a Warwick District Council Environmental Health Officer. Any system must also be fully controllable (i.e. bass / midrange / treble controls) and those controls shall only be accessible by the manager / DPS / or other authorised / competent member of staff.
- All windows and doors shall be closed when regulated entertainment is provided except for access and egress.

The Protection of Children from Harm

- No persons under the age of 18 years shall be in the bar area at any time after 21:00 except with the 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.

3.3 Representations against the application have been received from Interested Parties shown as Appendices 1 to 3.

3.4 **These premises are contained within the Cumulative Impact Area which is contained within the Licensing Policy adopted by Warwick District Council. This being the case, the burden of proof is with the applicant to show that the application will not impact on the four licensing objectives; it is not for the representors to prove that it will.**

3.5 The premises previously held a premises licence but this was surrendered by the previous licence holder in August 2011. This is, therefore, a new application.

3.6 A plan of the area is shown as Appendix 4

3.7 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 5).
- 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.

3.8 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.

3.9 Details of the procedure adopted by the Licensing Committee for Panel Hearings has 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.