

 Licensing & Regulatory Committee 12 December 2017		Agenda Item No. 3
Title	Application for a variation of a premises licence issued under the Licensing Act 2003 The Old Coffee Tavern, 16 Old Square, Warwick.	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	

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 Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	1.12.2017	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for the variation of a premises licence for The Old Coffee Tavern, 16 Old Square, Warwick.
- 1.2 A representation has 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 the variation of a premises licence at The Old Coffee Tavern, 16 Old Square, Warwick should be granted and, if so, whether the licence variation should be subject to any conditions.
- 2.2 When considering the application the panel must also 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 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.

- 2.3 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.
- 2.4 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.

3. **Reasons for the Recommendation**

- 3.1 Phoenix (City) Pub Company Limited applied for a premises licence for The Old Coffee Tavern, 16 Old Square, Warwick on 2 November 2017. The premises currently operates as a restaurant and bar with a hotel situated above the premises. Phoenix (City) Pub Company Limited have applied to vary the hours for sale of alcohol, late night refreshment and opening hours on Thursday, Friday and Saturday. They also wish to include the bedrooms to enable the use

of minibars. Details of the variation are attached as appendix 1 and the plans are attached as appendix 2.

3.3 The operating schedule and conditions contained on the current premises licence will remain unchanged. These are as follows:

General

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.
4. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall 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, photo-card driving licence and passport.
5. All staff are 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 it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a Police Officer.
6. The Premises Licence Holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an incident/refusals log 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 Police Officer when required.
7. The premises licence holder shall devise and implement a dispersal policy which shall include the provision of information on local taxi firms and transport to all patrons leaving the venue to ensure that patrons do not congregate outside the premises and that they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.
8. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and area quietly.
9. A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use area quietly.
10. All licensed activities are available 24 hours a day for residents only.

Conditions attached to the premises licence

1. CCTV to be installed and the premises licence holder must ensure that :-

- a. CCTV cameras are located within the premises to cover all public areas.
- b. The CCTV system records clear images permitting the identification of individuals.
- c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
- e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- f. Downloads will be provided to a Police Officer or authorised officer of the Licensing Authority upon reasonable request.
- g. The CCTV system shall be signed off by the Warwickshire Police Architectural Liaison officer.

2. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold or usually sold on the premises unless accompanied by a substantial table meal.

3. The DPS shall make an ongoing professional risk assessment as to whether to employ SIA doorstaff at any time.

4. No speakers for the amplification of music or speech shall be placed on the outside of the premises or on the outside of any building forming part of the premises.

5. All windows and doors should be closed at 22:00 except for the immediate access and egress of persons.

6. All outdoor areas shall be cleared of patrons and residents by 22:00.

7. No regulated entertainment shall take place at the premises.

8. No open vessels shall be taken outside the curtilage of the premises at any time.

9. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of Warwick District Council's Environmental Health Service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.

- 3.4 The Licensing Department has received a representation from a local resident. This representation is attached as appendix 3. Environmental Health made no representations following the agreement of additional conditions. The conditions agreed with Environmental Health are as follows:

1. From 23.00, any patrons that order taxis will be encouraged by staff to wait inside the premises until the taxi arrives.

2. The licence holder (or his/her nominees) shall ensure that exits are supervised at closing time to ensure that patrons leave the area quickly and as quietly as possible.

3. The last entry time to non-residents will be 30 minutes before the terminal hour for the sale of alcohol.

- 3.5 No representations have been received from:

- Fire Authority
- Warwickshire Police
- Trading Standards
- 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

3.6 A map of the area is attached as appendix 4 and photographs of the area are attached as appendix 5.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.	None	The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

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.