

 <b>Licensing &amp; Regulatory Committee</b> <b>18 June 2015</b>		<b>Agenda Item No.</b> <div style="font-size: 2em; float: right;"><b>3</b></div>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Cosy Club, Regent Court, Leamington Spa	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	2/6/2015	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	29/5/2015	Moira-Ann Grainger
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

## 1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Loungers Limited.
- 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 premises licence for Cosy Club, Unit 2A, Regent Court, Leamington Spa should be approved and, if so, whether the licence should be subject to any conditions.

## 3. THE APPLICATION

- 3.1 Loungers Limited applied for a premises licence on 24 April 2015. The licensable activities requested are set out in the table below:

	Supply of alcohol for consumption on the premises	Late night refreshment	Opening Hours
Everyday	10:00 to 23:15	23:00 to 23:30	08:00 to 23:30

- 3.2 An operating schedule which has been submitted by the applicant and will form part of any licence issued has been supplied as follows:

### *General*

Overcrowding shall not be permitted in any part of the premises.

The premises licence holder, or the person appointed to be in charge of the premises when licensable activity is taking place, shall provide or have the unhampered use of a telephone on the premises for use in an emergency.

### *The prevention of crime and disorder*

Management and staff shall be in attendance in the trading area at all time that alcohol is sold or supplied.

A CCTV system will be installed and shall be maintained and working. The system will be fit for purpose of the prevention and detection of crime, and be capable of providing images of identification standard. The system will display on the recordings the correct date and time and images will be retained for 31 days. The siting of the cameras will be consulted with the Police crime reduction officer.

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 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. There shall be no off sales of alcohol.

### *Public Safety*

Fire appliances, suitable to the fire risks in the premises, shall be provided to the satisfaction of the Licensing Authority and such equipment shall be maintained in proper working order and kept available for instant use. Such equipment shall be maintained in proper working order and kept available for instant use. Such equipment shall be conspicuously placed and unobstructed at all times.

### *The prevention of public nuisance*

The external seating area shall be cleared of customers by 21:00 hours.

Background music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

Applicant shall co-operate with Police or Officers of the Local Authority in the implementation of any initiatives to combat crime, disorder, antisocial behaviour or nuisance in the vicinity.

The premises licence holder shall take appropriate measures to ensure that patrons leave the premises in a quiet and orderly fashion.

The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odours from food preparation and refuse storage.

The premises licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulation in the immediate vicinity of their premises.

### *The protection of children from harm*

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 it. 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 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.

- 3.3 Representations have been received from Warwickshire Police attached as Appendix 1, Warwick District Council Environmental Health attached as Appendix 2 and a local resident attached as Appendix 3.

3.4 The applicant has accepted 12 conditions put forward by Warwickshire Police, these conditions are detailed below.

1. CCTV to be installed to the current British Standard BS7958. This consists of:  
Cameras shall cover all public areas.  
Head and facial recognition coverage.  
Recordable and retained for a minimum of 31 days.  
images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.  
CCTV images to be made available to Police or Local Authority upon reasonable request.  
Signed off by Warwickshire Police Architectural Liaison officer.
2. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.
3. Staff to be trained in drunk and drugs awareness
4. DPS to make on going professional risk assessments as to whether to employ door supervisors at anytime
5. Premises to join the locally approved retail radio scheme and conform to its policies and procedures
6. No Open vessels to be taken outside the curtilage of the premises at any time.
7. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.
8. Outside areas and activity must cease and be cleared at 22.30hrs
9. Challenge 25 Scheme to be adopted and enforced
10. Refusals book / registered to be maintained and made available for inspection on reasonable request from responsible authority.
11. All staff to be trained in age verification policies and procedures
12. No persons under the age of 18 years will be allowed on the premises after 21.00hrs unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority

Condition numbers 1 and 2 as set out in Appendix 1 have not been agreed by the applicant.

3.5 There have been no representations received from:

- Trading Standards
- 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

3.6 There are currently no licensable activities taking place at the premises and therefore there is no evidence in relation to licensing which can be detailed in the report.

- 3.7 A map of the area of the premises is attached as Appendix 4 and a plan of the internal area of the premises submitted by the applicant will be made available at the licensing panel.

- 3.8 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

#### **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 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.

- 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.