



Agenda Item 4

Licensing and Regulatory Panel
12 July 2022

Title: Application for a Premises Licence under the Licensing Act 2003 for Atic, Unit 1, Moss Street, Royal Leamington Spa, CV31 2DA.

Lead Officer: Emma Dudgeon

Portfolio Holder: Cllr Judith Falp

Public report

Wards of the District directly affected: Leamington Willes

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Head of Service	23.6.2022	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	29.6.2022	Graham Leach
Legal Services	29.6.2022	Sarah Sellers

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid premises licence application for Atic, Unit 1, Moss Street, Royal Leamington Spa, CV31 2DA. A representation has been received in relation to this application for the consideration of the panel in the determination of the application.

2. Options available to the Panel

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a premises licence at Atic, Royal Leamington Spa should be granted and, if so, whether the licence should be subject to any additional conditions.

The following options are available to members:

Option 1 – Grant the application as requested;

Option 2 – Grant the application with amended hours and/or added conditions, or;

Option 3 – Refuse the application.

3. Details for Consideration

- 3.1 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 must only consider those licensing objectives which have been referred to in the representations received.

- 3.2 The Council's Statement of Licensing Policy 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.

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- 3.3 Details of the procedure adopted by the Licensing and Regulatory 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.
- 3.4 ROCKTHEATIC Limited applied for a premises licence at Unit 1 Moss Street, Royal Leamington Spa on 1 June 2022. The application is for a comedy club.
- 3.5 The licensable hours applied for by ROCKTHEATIC Ltd and an operating schedule, which has been submitted by the applicant and will form part of any licence issued, is attached as appendix 1.
- 3.6 The Licensing Department has received an objection from Environmental Health attached as appendix 2. The applicant amended their application to remove live and recorded music and amend their operating hours following the objection from 10:00hours to 17:00hours.
- 3.7 The Licensing Department also received a representation from Warwickshire County Council Trading Standards and Warwickshire Police, however, following the agreement of conditions they subsequently withdrew their representations. A copy of all conditions agreed are attached as appendix 3.
- 3.8 No representations have been received from:
- Fire Authority
 - The Licensing Authority
 - Enforcement Agency for Health and Safety
 - Authority Responsible for Planning
 - National Health Service/Public Health
- 3.9 A plan showing the location of the premises is attached as appendix 4 along with the plan submitted by the applicant showing the internal layout. Photographs of the premises are attached as appendix 5.

4. Legal Comments

- 4.1 The Council's Statement of Licensing Policy 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 to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.2 The Live Music Act 2012 made changes to the Licensing Act 2003 with regard to regulated entertainment. The provisions in the Licensing Act 2003 (as amended) have the effect that where specified criteria apply recorded music and live music are not subject to conditions between the hours of 08.00 and 23.00.
- 4.3 Details of the procedure adopted by the Licensing and Regulatory 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.

- 4.4 All parties to the Hearing will be notified of the decision of the panel in writing within five working days of the conclusion of the hearing.
- 4.5 Any party aggrieved by a decision taken by the panel may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 4.6 The decision should take place in accordance with the agreed procedure.

5. Policy Framework

5.1. Fit for the Future (FFF)

- 5.1.1 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.
- 5.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

5.2 FFF Strands

5.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - 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.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - 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.

5.3 Internal impacts of the proposal(s)

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.