

	<b>Licensing Panel</b> <b>1<sup>st</sup> February 2011</b>	<b>Agenda Item No.</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Art and Wine Ltd, 8 High Street, Warwick	
<b>For further information about this report please contact</b>	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. <a href="mailto:david.davies@warwickdc.gov.uk">david.davies@warwickdc.gov.uk</a>	
<b>Service Area</b>	Community Protection	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006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>Officer/Councillor Approval</b>		
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).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	12/01/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance	12/01/2011	Andy Crump
Portfolio Holder(s)	12/01/2011	Councillor Kirton
<b>Consultation Undertaken</b>		
N/A		
<b>Final Decision?</b>	Yes	

## 1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol must apply for 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 Art and Wine Ltd. have applied for a premises licence to permit the following:

- ***The sale of alcohol (On and Off the premises)***

*09:00 to 23:00 seven days a week*

*Extended from New Year's Eve until the end of permitted hours on New Year's Day*

- ***The opening hours are shown as:***

*09:00 to 00:00 seven days a week*

*Extended from New Year's Eve until the end of permitted hours on New Year's Day*

- 3.2 An operating schedule, which will form part of any licence issued, has been submitted as follows:

### General

The sale of alcohol is to complementary to the selling of wine and/or the viewing of art.

Training of staff

Joining local shop watch scheme.

Liaise with local residents and local authority.

Ensure the licensing objectives are carried out to the full

### The prevention of Crime and Disorder

Digital CCTV and appropriate recording equipment is to installed operated and maintained throughout the premises internally and externally providing full coverage and the cameras and monitors shall be in positions agreed with Warwickshire Police Architectural Liaison Officer. Such CCTV footage will be stored for a minimum of 28 days and the management will give full and immediate cooperation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. For the avoidance of doubt such footage as Warwickshire Police require will be made available by a trained operator at the time of the request.

A burglar alarm system is in place with alarmed doors and windows.

No sale of alcohol permitted to anyone who appears to be drunk or underage.

Staff training on how to deal with problems.

### Public Safety

First aid training for member(s) of staff. Health and safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested periodically. Fire risk assessment carried out regularly. Fire alarm, fire detection points and fire fighting equipment in recommended position as to the fire risk assessment. Adequate signage and lighting as per the fire risk assessment. Adoption of best practices, e.g. National Alcohol Harm Reduction strategy

### Prevention of public Nuisance

Notices to be displayed close to the entrance/exit doors of the premises reminding customers of the residential area and advising them to leave quietly. Introduction of management policy to train all staff in ensuring that noise levels are kept to a minimum by our customers.

A noise limiting device fitted to amplified equipment installed by a competent person and maintained in working order with periodical inspections and set to a level agreed with Warwick District Council's Environmental Health Department. Light pollution control.

Good hygiene and tidiness in and out of the venue.

The external courtyard shall not be used or occupied at any time by customers.

Noise shall not be audible so as to cause a nuisance at the façade of the nearest noise sensitive premises.

All door and windows shall be kept closed at all times save for the purposes of access and egress to the premises.

The external courtyard shall not be used by members of staff for the purpose of smoking or recreation at any time.

### Protection of children

The premises licence holder adopts Challenge 21 and staff will only be able to accept photographic ID in the form of driving licence, passport or ID with the Pass logo endorsed on it.

Content revision for the art.

Adult supervision policy to be maintained.

3.3 For information, Art and Wine Limited currently hold a premises licence which permits:

- **Sale of Alcohol for Consumption on and off the Premises**

*Everyday from 08:00 to 23:00*

- **Opening hours**

*Everyday from 08:00 to 00:00*

There is one condition attached to the existing premises licence which states:

**Sales for the consumption of alcohol on the premises will be ancillary to the business of selling wine or the viewing of art**

- 3.4 Representations against the application have been received from Environmental Health as a Responsible Authority (Appendix 1) and interested parties (Appendices 2 to 5)
- 3.5 Art and Wine have accepted a condition that was requested by Warwickshire Police requested and so that condition will be added to any premises licence issued:

**No open vessels to leave the premises at any time**

- 3.6 A map of the area is shown as Appendix 6
- 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 7).
  - 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.