

	<b>Licensing Panel</b> <b>7<sup>th</sup> June 2011</b>	<b>Agenda Item No.</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Gallus, 31 Augusta Place, Leamington Spa	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006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	26/04/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	26/04/2011	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 and provide regulated entertainment and late night refreshment 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 Jose Leandro Fernandes Teixeira has applied for a premises licence to permit the following:

- **Recorded music (indoors only)**

*08:00 to 00:30 Monday to Saturday  
08:00 to 24:00 Sunday*

- **Late Night Refreshment (indoors only)**

*23:00 to 00:30 Monday to Saturday  
23:00 to 24:00 Sunday*

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

*08:00 to 00:30 Monday to Saturday  
08:00 to 24:00 Sunday*

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

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

*08:00 to 23:00 Monday to Saturday  
08:00 to 23:00 Sunday*

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

*08:00 to 01:00 Monday to Saturday  
08:00 to 00:30 Sunday*

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

- 3.2 The premises is described as a 60 to 70 seater restaurant with a small bar area with 8 seats with kitchen to the rear of the premises and toilets in the basement.

- 3.3 An operating schedule, which will form part of any licence issued, has been submitted and is shown below:

## General

We have a well trained management team and a training programme to ensure all staff are briefed on the licensing objectives covering in particular no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, no violent or anti-social behaviour and that there is a need to protect children from harm.

### The prevention of Crime and Disorder

Responsible management controls, for example capacity levels. Ongoing staff training including identification of anti-social or unusual behaviour. Training and supervision of all staff to adopt best practice, adhere to the Portman Group on drinks strategy. Internal and external lighting checked regularly.

CCTV to conform to the current BS7958. To include head and face recognition and to be recordable and retained for 31 days and produced to Police within 24 hours of request.

Challenge 21 Policy to be adopted and displayed within premises.

No unaccompanied person under the age of 18 to be permitted in the premises after 21:00 hrs without the express knowledge and permission of the Designated Premises Supervisor.

Alcohol to be table service only and by waiter/waitress service.

Alcohol only to be supplied to those persons partaking of a substantial table meal.

No public bar area.

No open vessels to leave the premises at any time.

## Public Safety

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually. Fire risk assessment carried out weekly. Adoption of best practices, e.g. National Alcohol Harm Reduction Strategy.

## Prevention of public Nuisance

Responsible management at all times. Zero tolerance to drunken or anti-social behaviour. Regular visits to all parts of the premises.

Management and staff, voluntarily follow best practice, e.g. control of noise from pubs and clubs. Out of hours deliveries to be monitored. All staff trained to ensure quiet departure of patrons.

Ventilation to be maintained to prevent nuisance of odour and noise.

Recorded music sound levels to be monitored.

All windows will be kept closed after 23.00.

## Protection of children

Provision of sufficient staff to protect children from harm, with training on appropriate behaviour. Children have to be accompanied by a responsible person who has attained the age of 18. No children allowed at the bar servery. 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. The premises will operate a policy whereby any person attempting to buy alcohol will be asked for photographic ID to prove their age. The only ID that will be

accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.

- 3.4 The premises have agreed the following conditions with the police which they have requested should be placed on any premises licence granted:
- All staff members shall be trained in respect of premises licence conditions and policies and training records shall be kept on the premises and made available to authorised officers.
  - An incident/refusal book shall be kept on the premises and made available to authorised officers.
  - No outside activity after 23:00
  - No open vessels to be removed from the premises at any time.
- 3.5 Representations against the application have been received from Environmental Health as a Responsible Authority (Appendix 1) and three interested parties (Appendices 2, 3 and 4)
- 3.6 A map of the area is shown as Appendix 5 and a plan of the premises 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.