

Portland Street, Royal Leamington Spa, Warwickshire,

*Ms Emma Dudgeon
Licensing Enforcement Officer
Health & Community Protection
Warwick District Council
Riverside House, Milverton Hill,
Royal Leamington Spa, CV32 5HZ*

1st August 2016

Dear Ms Dudgeon,

Licence Application for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL
Licensing Act 2003

As an interested party under the Licensing Act 2003 I wish to object to the Licence Application for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL.

The application is by Punch Taverns PLC to operate the premises as a restaurant with service to table etc. However, Punch Taverns is not a restaurant group since, according to their own web site, Punch Taverns claim to be "one of the UK's largest, trusted and longest established pub companies", stating that they have three different types of pub: -

Community Pubs (Local customers)
HighStreet Pubs (Customers passing by)
Destination Pubs (Customers travelling to)

Only Destination Pubs serve food and they are mainly out of town. It is unclear from the application what sort of pub 27 Augusta Place is intended to become. From their web site, it does not appear that Punch Taverns operate any restaurants elsewhere..

It is important to understand that this application is for a **new** licence for premises within the Leamington Spa **Cumulative Impact Zone**, also known as the Bar Saturation Zone.

As such, if an application for a premises licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.** (WDC's bold type, not mine).

Unfortunately, in our experience, 27 Augusta Place, when trading as a licensed premises has been the cause of persistent and distressing public nuisance to local residents by every operator since we moved to Portland Street in 2002. The main problems have been loud music noise nuisance, particularly through the thin roof at the rear of the premises, but there have also been many instances of anti-social behaviour and disorder in the street outside by customers and even by staff.

Under the Freedom of Information Act I have asked WDC Health and Community Protection kindly to prepare a summary of all the complaints they have received about 27 Augusta Place, and incidents investigated, since their records began in 2005. I will forward this to you on receipt, and I can assure you that it will be substantial.

With such an appalling track record, it is difficult to see how any new operator of these premises can **prove** that their application will not impact negatively on the four licensing objectives, particularly the prevention of public nuisance and the prevention of crime and disorder.

In summary: -

- Punch Taverns have applied for a premises licence for 27 Augusta Place
- A restaurant type operating style with service to table is proposed
- However, Punch Taverns PLC is a pub company, not a restaurant group and do not appear to operate any other restaurants elsewhere
- 27 Augusta Place is within WDC's cumulative Impact, or bar saturation, zone
- The applicant has to **prove** that they will not impact negatively with regard to the four licensing objectives that include the prevention of public nuisance and crime and disorder.
- The applicant makes no mention of the Cumulative Impact Zone, and no attempt to prove that there will be no negative impact on the four licensing objectives
- The applicant does not even address how it is proposed to promote the prevention of public nuisance
- Previous licensed operators of 27 Augusta Place have caused what seemed to be non-stop public nuisance and disorder, seriously disturbing nearby residents

In my view, the license should not be granted. If it is granted, very strict conditions should be attached including alcohol **only** to be served with meals, and not to those 'waiting for a table' in the suspiciously large bar area at the front, and no music of any type whatsoever.

I plan to attend the Licence Application hearing; please take this as **notification in writing** of my intention both to be there and also to speak.

Yours sincerely,

Portland Street, Royal Leamington Spa, Warwickshire,

*Ms Emma Dudgeon
Licensing Enforcement Officer
Health & Community Protection
Warwick District Council
Riverside House, Milverton Hill,
Royal Leamington Spa, CV32 5HZ*

9th August 2016

Dear Ms Dudgeon,

Licence Application for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL
Licensing Act 2003

Further to my letter of 1st August 2016, WDC Health and Community Protection have very kindly prepared a summary of all the complaints they have received about 27 Augusta Place, and incidents investigated, since their records began in 2007. A copy of this is attached.

There have been 9 public nuisance complaints, and 15 licence complaints, 24 complaints in all.

Action taken as a result of the 9 public nuisance complaints include the owner being interviewed by WDC Licensing and Environmental Health, and an Action Plan being agreed. However, the premises took little notice of this and carried on being a nuisance, particularly playing very loud music, and a Noise Abatement Notice was served in October 2010. Sometime after this an application to renew the premises licence was refused by a WDC Licensing Panel. The applicant did not appeal.

Action taken as a result of the 15 licence complaints comprises:-

- 6 letters being sent to the premises
- 2 Officer visits to the premises
- An interview of the licence holder and the DPS
- An Action Plan being created for the premises, and
- 3 meetings being arranged with the premises

Again, the action had little or no effect on the behaviour of the premises until its licence lapsed in November 2011, and the business closed.

I suggest this demonstrates that it is very easy for WDC to grant a premises licence, but incredibly difficult for complainants to obtain a satisfactory outcome from their representations because, actually, the policing of licensed premises is ineffective. Once cautioned, premises just carry on as before, because they simply know they will get away with it. There is no proper sanction, check, or balance. The Willoughby was just the same. I request that the Panel takes this into account during their deliberations.

Yours sincerely,

Summary of Public Nuisance complaints that WDC Environmental Health have received about the 27 Augusta Place since May 2002 (last held record in 2007

Complainant	Date	Complaint detail	Action
Local resident	12/11/2007	Noise from intruder alarm at Bar Code	No action taken
Local resident	23/03/2008	Friday 21st March disturbed at 11pm by live music from Barcode - would like to know whether they had a TEN for this	
Local resident	01/04/2008	Letter and DVD showing complaint about noise nuisance from Bar Code or the afternoon/evening of Sunday 23rd March. Noise from laughter, foul language & general noisy behaviour.	Licensing and EH interviewed owner, action plan produced.
Local resident	02/06/2008	Noise from bass beat and patrons standing outside during TEN on sat 31st May	incident report to police and licensing - letter to licensee - e-mail to enquirer
Local resident	02/03/2009	Noise from patrons outside premises	No action taken
Local resident	02/07/2009	Build up of rubbish from students and hair dressers	Referred to Waste Management
Local resident	04/01/2010	Complaint about behaviour of customers at Bar Code	Referred to licensing
Local resident	03/03/2010	Nuisance from loud music emanating from this premises until 12.50am or friday nights.	No further action
Local resident	11/09/2010	very loud music, made worse by the fact that the doors are all open	Investigation. Noise Abatement Notice served October 2010

Summary Of Licensing Complaints since November 2007

Complainant	Date of complaint	Complaint detail	Action
Local Resident	29/11/2011	Possible underage and public nuisance	No action taken due to premises licence lapse
Local Resident	15/11/2011	Breaches of premises licence incl open vessels and public nuisance	Letter sent to the premises
Local Resident	17/09/2011	Breaches of the premises licence and public nuisance	Letter sent to the premises
Local Resident	18/10/2010	Public nuisance being caused at premises	Meeting arranged with premises
Local Resident	04/10/2010	Breaches of the premises licence and public nuisance	Meeting arranged with premises
Local Resident	28/09/2010	Breaches of premises licence and public nuisance	Meeting arranged with premises
Local Resident	16/09/2010	Breaches of the premises licence	No further details
Local Resident	14/09/2010	Breaches of premises licence and public nuisance	No further details
Local Resident	21/06/2010	Breaches of licence and possible underage	Letter sent to premises
Local Resident	05/05/2010	Breaches of premises licence , disorder outside premises,	Letter sent to premises
Local Resident	20/04/2010	Breaches of premises licence, public disorder and public nuisance	Letter sent to premises
Local Resident	23/03/2008	Breaches of premises licence and public nuisance	Action plan created for premises
Local Resident	08/09/2007	Breach of premises licence	Interview of licence holder and DPS
Local Resident	01/10/2006	Noise Nuisance	Officer visit to premises
Local Resident	26/05/2006	Unlicensed activity taking place	Officer visit and letter to premises

Licensing Team
Warwick District Council
Riverside House
Church Hill
Leamington Spa

Augusta Place
Leamington Spa

25 July 2016

Licence Application WDCPREM00867: 27 Augusta Place, Leamington Spa

We live directly opposite these premises, and would like to register our objection to this application.

These premises operated as a bar from 2001 until 2011, under four changes of ownership, and a variety of offerings. Throughout this ten-year period, regardless of ownership and in spite of numerous conditions on the licence, it caused a very high level of noise nuisance and anti-social behaviour, resulting in a great deal of distress to residents, including the four flats located above the premises. We were compelled to send emails, letters and video footage to Licensing, Environmental Health and/or the Police on many occasions. Since the bar was refused a licence in January 2012, incidents of anti-social behaviour, noise and vandalism in Augusta Place have been very few, and the quality of life of residents has been much improved.

With this history, the Licensing Committee will perhaps appreciate that we, and other residents nearby, are fearful that these premises could ever return to being a bar.

The current application

It is reasonably clear that the current application is for a **restaurant**, and in our experience, in general restaurants cause significantly less nuisance than a bar. This is a crucial factor in this application, and we find some reassurance in the applicant having agreed to waiter/waitress service to table, a small bar area, and patrons only being served alcohol if they are seated and partaking of a substantial meal.

However, it is our understanding that at present, there is no tenant in place for these premises. Any licence granted could therefore be considered to be a blank slate, which we fear could become something very different when an actual tenant is found. This fear is exacerbated by the application stating that 'Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time'. If no condition is attached, it is possible that the 'small reception/bar area' on the current plan could become significantly larger.

It is our view that waiter/waitress service to table, a small bar area, and patrons only being served alcohol if they are seated and partaking of a substantial meal should, if the licence is granted at all, be included as conditions of any licence.

We understand that the applicant has also agreed to music being 'background' only. Given the glass roof at the rear of the premises, this is welcomed. **However, in our view, this should also be included as a condition if the licence is granted.**

A second area of concern is that of opening hours, as the application seeks to remain open until 1:00am Monday to Saturday. This is later than either of the neighbouring restaurants: Sitar's licence (as Rozana) ends at midnight Mon-Sat, and 11.30 on Sunday; Pergola's is 12.30am Mon-Sat, midnight on Sunday. Since this is an increasingly residential area (16 additional residents now live 50 yards away in what was formerly The Willoughby, for example), late-night noise from patrons leaving premises, or congregating outside to smoke, is very intrusive. It is also the case, notwithstanding their licence, that both Sitar and La Pergola are rarely open beyond 11:30pm even on Fridays and Saturdays. In our experience locally, few patrons genuinely wish to begin a proper meal after 10:00pm.

In our view, these premises should not have a licence any later than neighbouring restaurants, and should not be permitted beyond midnight.

The Licensing Committee will be very aware that the onus is on the applicant to demonstrate that this licence would not be detrimental to the area, and in particular, to those residents nearby. The previous history of these premises has shown that, regardless of who was managing them, considerable (and frequent) public nuisance was caused. Levels of anti-social behaviour, noise (and on occasions violence) occurred on a weekly basis, and had an impact not only on Augusta Place but also on neighbouring streets.

It is our firmly held view that, if a licence is granted, it *must* be accompanied by strict, enforceable conditions that ensure that the premises *can only* operate as a restaurant.

We would be happy to attend any licensing hearing to present our views.

Yours sincerely,

The Catholic Parish of Leamington Spa

Valley Road
Lillington

--- Dorner Place
Leamington Spa

Murcott Road East
Whitnash

En

5th August 2016

Warwick District Council Licensing Authority
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

C.S.T.

09 AUG 2016

WARWICK DISTRICT COUNCIL

Dear Sir.

Re: Application by Punch Taverns PLC in respect of 27 Augusta Place, Leamington Spa for a new premises licence.

I am writing this letter as a Governor of St. Peter's School which is situated adjacent to 27 Augusta Place and also as a local resident. As a Governor of St. Peter's School I object to this application for the following reasons.

- 1) The outdoor ^{and in front} space and pavement is very narrow at the corner of the building and the school children and parents will have to pass drinkers and smokers who stand outside the venue. It is highly likely that small children or mothers on their own may feel intimidated by the customers.
- 2) The teachers and support staff have to walk

P.T.O.

(continued)

- 2) past this venue late in the evening after Governors and Staff Meetings. I think we all feel intimidated late in the evening by alcohol fuelled drinkers who may be outside the building. We fear for our safety.
- 3) I do not think this is a good example for the school children to see people drinking and smoking in such close proximity to the school.

As a resident

- 1) Since the closure of the last attempt to run this property as a public house the road has returned to being safe, quiet and peaceful. No cars are damaged and I doubt if the police have had to deal with any incidents concerning bad behaviour outside the property for many years.
 - 2) I feel much safer when the public house is not there as I often have to walk past this building on my way to the church and or the school.
 - 3) I feel much happier that the children don't have to walk past a place like this see note 3 above.
- Yours sincerely

Parish ^{12p}Priest
and Rural Dean.

**Portland Street
Leamington Spa
Works**

Emma Dudgeon
Licensing Enforcement Officer
Warwick District Council
Riverside House,
Leamington Spa, CV32 5HZ

10th August 2016

Dear Ms Dudgeon,

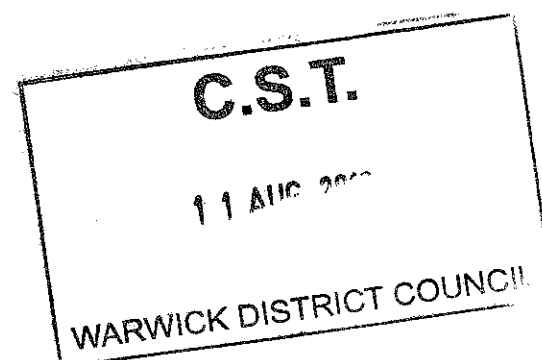
Re: 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL. Licence Application

We wish to object to the License Application for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL. The various pubs etc that have operated in the past at this address have all ended up becoming a source of nuisance, noise and disruption. The location is such that the low volume of footfall results in the pressure for the publican to entice drinkers with special offers and the like which we all know simply lead to drunkenness.

As has been discovered by some of the other objectors to this licence application, it seem as if this application is not what it claims to be. The chain Punch Taverns PLC are clearly not in the restaurant business and the claim to be so is misleading to say the least. It is a pub company and any suggestion that it will conduct business in Augusta place any differently is merely an attempt to dress up the application to try to get a licence issued.

There are so many places in central Leamington already – how can another one be justified? 27 Augusta Place is within WDC's cumulative Impact, or bar saturation, zone and no further increase in the number of bars or pubs in this area is warranted. It's well known what social problems excess drinking lead to and to allow one more licensed premises would be an irresponsible move. The building is not suitable and the noise levels resulting from the poor roofing at the rear add to the inappropriateness of this application.

Yours sincerely,



Emma Dudgeon

From:
Sent: 15 August 2016 12:43
To: Licensing
Subject: RE: 27 Augusta Place WDC PREM00867

Dear Kirsten

Thank you for your email.

Here is my revised objection.

It is on the grounds of public nuisance.

This nuisance has been caused in the past by noise from within the building itself and from patrons gathering around the entrance.

In effect the building has been shown to be unfit for purpose and I believe that the applicant must show how they will prevent any public nuisance. Hence my earlier comments regarding the building itself.

I hope that this clarifies my objection.

Regards

Kenneth Alexander

Sent from [Mail](#) for Windows 10

From: [Licensing](#)
Sent: 15 August 2016 12:17
To:
Cc: [Emma Dudgeon](#)
Subject: RE: 27 Augusta Place WDC PREM00867

Good afternoon Mr Alexander

Thank you for your email. For your objection to be valid, it must make reference to one of the four licensing objectives. These are:

- Prevention of Crime and Disorder
- Prevention of Public Nuisance
- Public Safety
- Protection of Children from Harm

The closing date for representations is midnight today 15th August 2016. Any representation made must be received before this time.

Regards

Kirsten

Kirsten Page | Senior Licensing Technical Support Officer | Health and Community Protection | Warwick District Council | Tel 01926 456705 | mail: kirsten.page@warwickdc.gov.uk | Web: www.warwickdc.gov.uk

From:
Sent: 15 August 2016 11:44
To: Licensing
Subject: FW: 27 Augusta Place WDC PREM00867

Forwarded because Ms Dudgeon is out of the office until Tuesday.

Regards

Kenneth Alexander

From:
Sent: 15 August 2016 10:02
To: [Emma Dudgeon](#)
Subject: 27 Augusta Place WDC PREM00867

Dear Ms Dudgeon

Please can you register my objection to this application.

These premises have been a source of disturbance on many occasions and at a previous hearing it was indicated that this was partly due to the design and construction of the building.

It was clear at the time that it was not practical to resolve some of these issues. Noise insulation, the restricted nature of the entrance and the lack of any open area on the premises being some.

I believe that any application should be accompanied by a robust plan to resolve these issues and until this is available that the application should be refused.

Regards

Portland St

What's on - www.warwickdc.gov.uk/events

Latest news - www.warwickdc.gov.uk/news

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Emma Dudgeon

From:
Sent: 14 August 2016 17:58
To: Licensing
Subject: Bar Opening hours for 27 Augusta Place, Leamington Spa CV32 5EL

Dear Sir/Madam,

I am happy with the latest proposal to open a bar alongside the 2 restaurants below my flat at 27 Augusta Place.

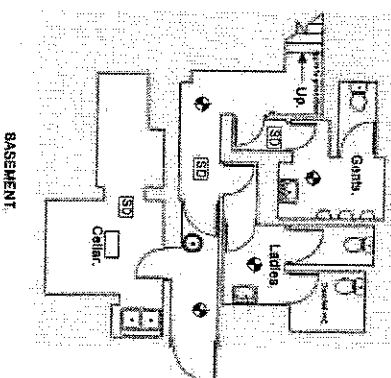
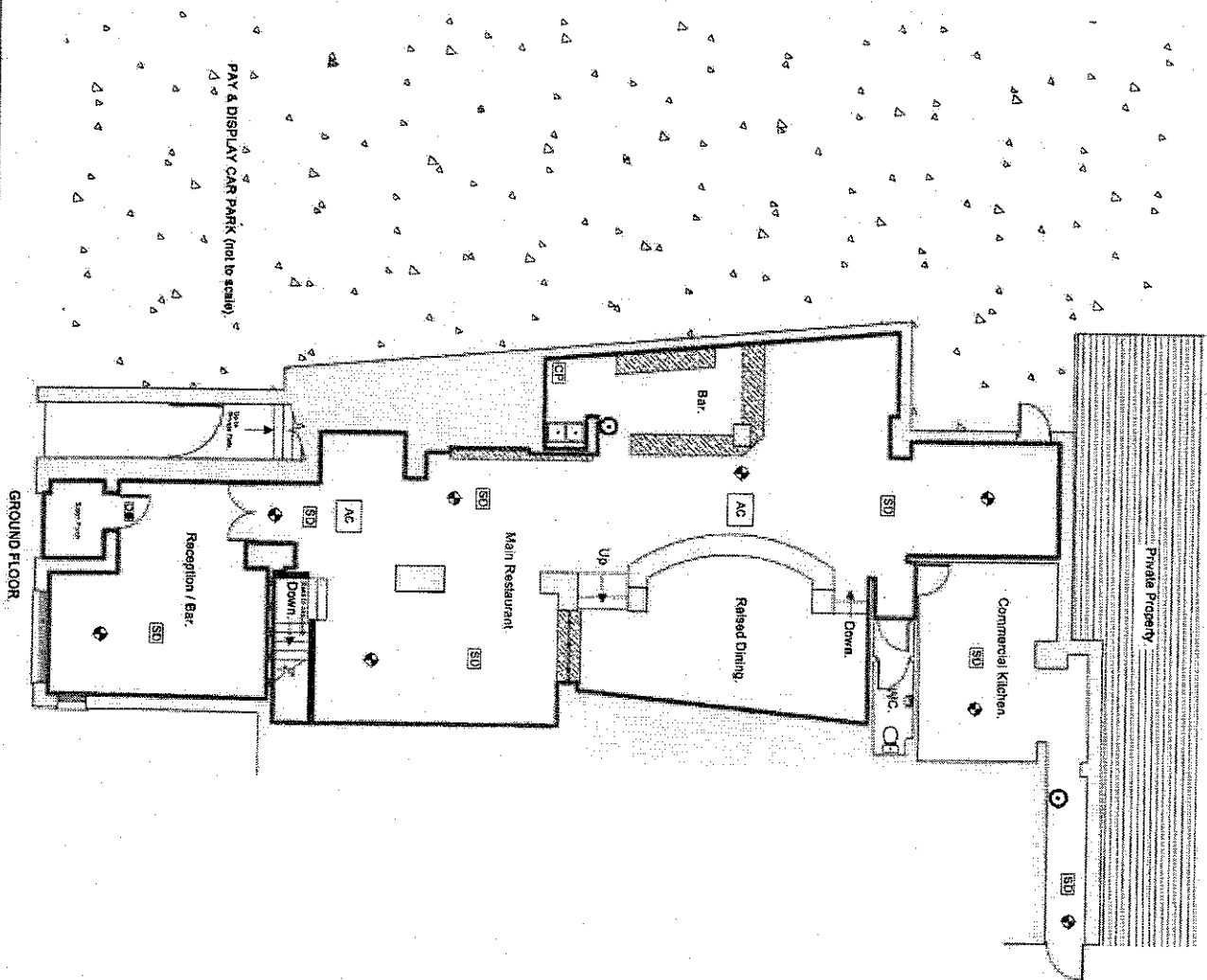
However, I do have some reservations regarding the late opening hours from Monday to Saturday from 23.00 hours-01.00 hours and from 23.00- 00.30 on Sundays.

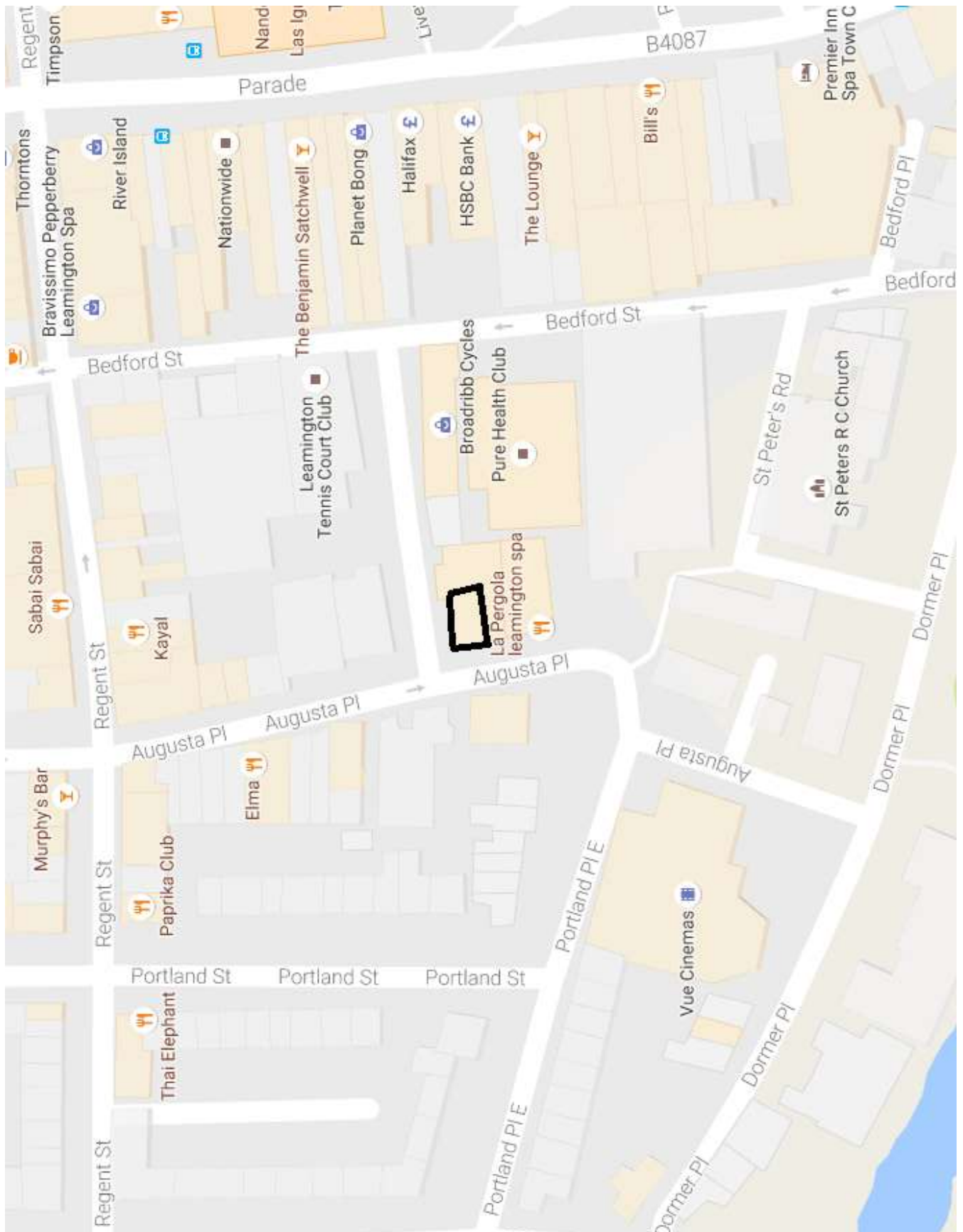
I live practically above the premises and alongside my neighbours both in the adjoining flats and on Augusta Place have suffered from broken nights and disturbances in the past.

Therefore, the proposal to sell alcohol during these late hours would greatly affect not only us but would also lead to a potential rise in crime, especially vandalism and anti-social behaviour and I would prefer that the opening hours of the new bar to be more in line with those of the restaurants.

Yours sincerely

Flat
Augusta Place
Leamington Spa
Warks











STATEMENT OF LICENSING POLICY

**Reviewed May 2014 &
Approved by Warwick District Council on 25 June 2014**

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1. Summary and purpose

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and the guidance issued under Section 182 of the Act.
- 1.2 Warwick District Council (WDC) is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population exceeding 138,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 1.3 The policy will relate 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.
- 1.4 The aim of this Policy is to demonstrate how WDC, will promote the four licensing objectives. These objectives are:
- prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and
 - protection of children from harm.

WDC recognises that the promotion of the Licensing Objectives relies heavily on a partnership between license holders, authorised persons, responsible authorities and other persons in pursuit of common aims.

- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- 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.
- 1.6 This Statement provides guidance to Responsible Authorities, applicants for and holders of premises licences, objectors and residents on the general approach that the Licensing Authority will implement through its Licensing Committee
- 1.7 When making its decisions on licensing applications, the Licensing Authority will have regard to the matters contained in this Statement, the Act, the guidance issued under section 182 of the Act, the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions), and the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.
- 1.8 This Statement covers the period up to 30th August 2018 and will be kept under review and revised as required, following consultation where necessary.

2. Licensing Policy & South Warwickshire Community Safety Partnership

- 2.1 The 1998 Crime and Disorder Act and subsequent amendments require the Police and local authorities to work together and with others to reduce crime and disorder. To this end, Crime & Disorder Reduction Partnerships were formed and are now called Community Safety Partnerships.
- 2.2 South Warwickshire Community Safety Partnership (SWCSP) was formed in September 2008 when the district crime and disorder partnerships for Stratford & Warwick districts merged following years of close collaboration. The vision statement for SWCSP is *‘that the districts should be an attractive, environmentally sustainable, desirable area to live in, work and visit, with a sense of safety which reflects the low risk of becoming a victim of crime in the area’*.
- 2.3 Tackling violent crime has remained a priority in Warwick District since 1998 with Leamington Town Centre as the main focus of partnership activity. Tackling violent crime and specifically street violent crime is one of three SWCSP priorities. A 60 point partnership action plan is in place to reduce violent crime and rowdy behaviour in our town centres.
- 2.4 The policy of working with licensees in South Warwickshire has delivered national best performance and practice.
- 2.5 The age group most likely to be victims and perpetrators of violent crime is 18-30. A key initiative to engage with this group is Operation ‘Your Town, Your Choice’ which takes place on pay-day weekends in hot-spots at the busiest times of 9pm to 4am. An early intervention approach is used utilising direct to leave dispersal authorities together with designated public places powers and has a real impact on reducing violence and rowdy behaviour.
- 2.6 This best example of partnership working across all agencies in South Warwickshire illustrates the commitment to tackling on-street violent crime. In addition enhanced policing, Street Marshals, Street Pastors and CCTV control rooms support this approach.
- 2.7 Joint Licensing Enforcement visits are a key feature of these evenings ensuring that licensees are taking their responsibilities seriously. Engagement with 18 to 30 year olds is carried out on roads closed to traffic. Health related activities are offered in exchange for completing questionnaires on particular themes, for example, pre-loading. Results from these activities and questionnaires inform how and when the hot-spots are staffed and how young people can be assisted in having an enjoyable and safe night. A unique partnership pilot with St John Ambulance Service has provided a care and repair service on busy nights in Leamington called ‘The Cabin’ and staffed by up to 10 volunteers.
- 2.8 A further developing part of this approach is the Street Pastor Scheme introduced in 2013. The scheme provides a vital service, and integrates well into the overall multi-agency approach adopted. Further information about Street Pastors may be obtained on their website at www.leamingtonspa.streetpastors.org.uk

3 Delegation of Functions for Regulatory Matters

- 3.1 The Council has established a Licensing Committee with delegated powers to deal with licensing matters
- 3.2 The Licensing Committee has delegated the decision making to Licensing Panels when a hearing is required. These Panels are sub-committees consisting of three members of the full Committee. All other matters that do not require hearings have, upon Home Office advice, been delegated to officers.

4 Further Strategies

- 4.1 WDC has adopted the following strategies that it feels will help it to achieve its desired goals:
- It will work together with all partners as well as local businesses and residents to try to achieve an acceptable level of harmonisation between the two, accepting that this may not always be possible.
 - It accepts that an active and successful Crime and Disorder Partnership is one of the key factors in achieving its desired goals.
 - It recognises the importance of working with other agencies and holds and organises a Multi- Agency Licensing Group on a regular basis to discuss any problems that may arise within its district.
 - The value of action plans as a method of obtaining compliance from premises is recognised and used whenever they become necessary.
 - An Enforcement Policy which incorporates the Regulator's Compliance Code has been adopted. Both of these may be found on WDC's website,
 - In recognising the need to minimise late night noise nuisance, WDC would expect that after 23.00 all persons outside the premises would move indoors, and that any sound, amplified or unamplified, from within the premises should not disturb residents in neighbouring domestic properties. However, any conditions added to the premises licence to achieve this aim will be proportionate, enforceable and relevant to that particular premise.
 - WDC has adopted a special policy addressing the cumulative impact of the number of licensed premises in Leamington Spa Town Centre. Full information on this policy may be found at paragraph 10 below.

5. The four Licensing Objectives

5.1 Prevention of Crime and Disorder

- 5.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions, and to do all it reasonably can to prevent crime and disorder in the District.
- 5.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

- 5.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for high levels of disorder that this type of premises may cause to the night time environment.
- 5.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.
- 5.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:–
- planning controls;
 - enforcement of Environmental Protection legislation (e.g. on noise nuisance);
 - positive measures to provide a safer and clean town centre;
 - environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
 - powers to designate parts of the District as restricted alcohol areas
 - police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - confiscation of alcohol from adults and others in designated areas;
 - all current police and local authority powers of closure in force at the time
 - the power of police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

5.2 Public safety

- 5.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.3 Prevention of public nuisance

- 5.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. The conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
 - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and

- consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

5.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all patrons of a licensed premises will move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

5.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were still being achieved.

5.3.4 The Licensing Authority expects that premises should usually be closed within half an hour of the end of the last licensable activity.

5.3.5 The Live Music Act 2012 removed live music from the scope of the Licensing Authority, subject to the satisfaction of certain criteria, so it is recognised that its controls in this respect have been reduced. However, conditions may be added or reinstated at a review hearing which will bring live music for that particular premises into the licensing regime. This means that it would be within the licensing Authority's powers, at a review hearing, to place a condition on the premises licence prohibiting the playing of live music at any time. This may arise, for example, if the premises is not suitable for the live music being played; or if frequent disturbance is being caused by the music.

5.4 Prevention of Harm to Children

5.4.1 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. However, this authority does not consider that children should be encouraged to mix in areas that are frequented by the adult drinking public, such as busy town centres. For this reason, birthday parties, etc., for the 18 and under demographic will be actively discouraged in these area.

5.4.2 Areas that may give rise to particular concern in respect of children include premises:

- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises;
- Where entertainment of an adult or sexual nature may be provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

5.4.3 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- Limitations on the hours when children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;

- Requirements for an accompanying adult;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.4.4 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

5.4.5 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

5.4.6 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

5.4.7 The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children. Such conditions will be appropriate to the premises and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.4.8 The Licensing Authority expects all premises to comply with statutory conditions requiring that a policy must be adopted, laying out how they will address underage drinking. This must be shown in the operating schedule of any premises licence application or variation.

NOTE: In the event of any variation submitted to remove any conditions where a hearing is necessary, evidence would be expected to be submitted to the Licensing Panel by the applicant that the change would not impact on the licensing objectives

5.5 Health

5.5.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.

5.5.1 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

5.6 The Licensing Authority as a Responsible Authority

- 5.6.1 The Licensing Authority are empowered to make representations against new applications for and variations applications to premises licences, as well as call for a review.
- 5.6.2 A procedure has been put into place to ensure that any representation made by the Licensing Authority as a Responsible Authority will be made without prejudicing its ability to determine the application in a fair and objective manner.

6. Other Considerations

6.1 Live Music, Dancing & Theatre

- 6.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance to residents will try to be balanced with the wider cultural benefits to the wider population.

6.2 Integration of Strategies

- 6.2.1 The Licensing Authority will secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:
- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
 - Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.
- 6.2.2 Specific conditions may be attached to premises licences, where appropriate, to reflect local crime prevention strategies. Such conditions may include
- the correct use of well installed closed circuit television cameras;
 - the provision and use of shatterproof drinking receptacles;
 - a drugs and weapons search policy;
 - the use of ID scanners
 - the use of registered door supervisors;
 - specialised lighting requirements;
 - restrictions on hours of opening and licensable activities.
- 6.2.3 Certificates issued to club premises will reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

7 Other regulatory regimes

- 7.1 This policy will avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

7.2 Health and Safety

- 7.2.1 Premises will normally have been visited by the Council's Health and Community Protection inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions that duplicate statutory H&S requirements.

7.3 Fire Safety

- 7.3.1 Premises and their operators will have statutory duties under the current fire safety regime to ensure the safety of patrons visiting the premises. The operating schedule should state the precautions that will be taken to ensure the safety of the public.

7.4 Food Hygiene

- 7.4.1 Premises selling alcohol and/or premises engaged in a food business must be registered with WDC and subject to risk-based food hygiene inspections at regular intervals. The inspections are carried out by the council's Health and Community Protection officers.

7.5 Noise

- 7.5.1 Statutory and public nuisances are dealt with by the Council's Health and Community Safety Section under the Environmental Protection Act 1990 and associated legislation.

7.6 Planning

- 7.6.1 Premises that apply for a licence or a variation of a licence should be aware that they may also need planning permission to carry out the activities applied for.

8 Standard Conditions

- 8.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences will be tailored to the individual styles and characteristics of the premises and events concerned and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

9 Enforcement

- 9.1 Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Licensing Group.

10 Special Policy Regarding Cumulative Impact

- 10.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 10.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in the relevant part of the guidance issued under section 182 of the Act.
- 10.3 The Licensing Authority formed two saturation zones, based on information supplied in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 10.4 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. Properties on both sides of any road which borders the zone are deemed to be included within the zone. A plan of the zone may be found at the end of this policy as Appendix 1.
- 10.5 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.
- 10.6 The special policy regarding cumulative impact will not be used to try to revoke an existing licence or certificate when representations are made about the way the premises are being operated. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 10.7 The Licensing Authority will not operate a quota of any description including the special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 10.8 If an application for a premises licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives**

10.9 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.

10.10 The policy will be subject to review.

11 Responsible Authorities

11.1 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy as Appendix 2.

11.2 Responsible Authorities are able to make representations regarding new or variation applications for premises licences and also to seek a review of a current premises licence.

11.3 Representations will only be relevant if they relate to one or more of the licensing objectives referred to in paragraph 5.

12. Early Morning Restriction Orders (EMROs) and Late Night Levy (LNL)

12.1 Following a report from officers, Warwick District Council's Licensing Committee recommended to full Council that it was felt, at the current time, the application of a LNL or EMROs was not appropriate for the council's area.

12.2 The Licensing Committee's recommendation was accepted by full Council during 2013.

12.3 However this Council, in March 2014, has requested officers to review the situation subsequent to Central Government's current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District.

13 Restricted Drinking Zone

13.1 The Criminal Justice and Police Act 2001 includes a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The act gives local authorities the power to designate areas 'Restricted Drinking Zones' where it will become an offence for any person to drink alcohol after being requested not to do so by a police officer.

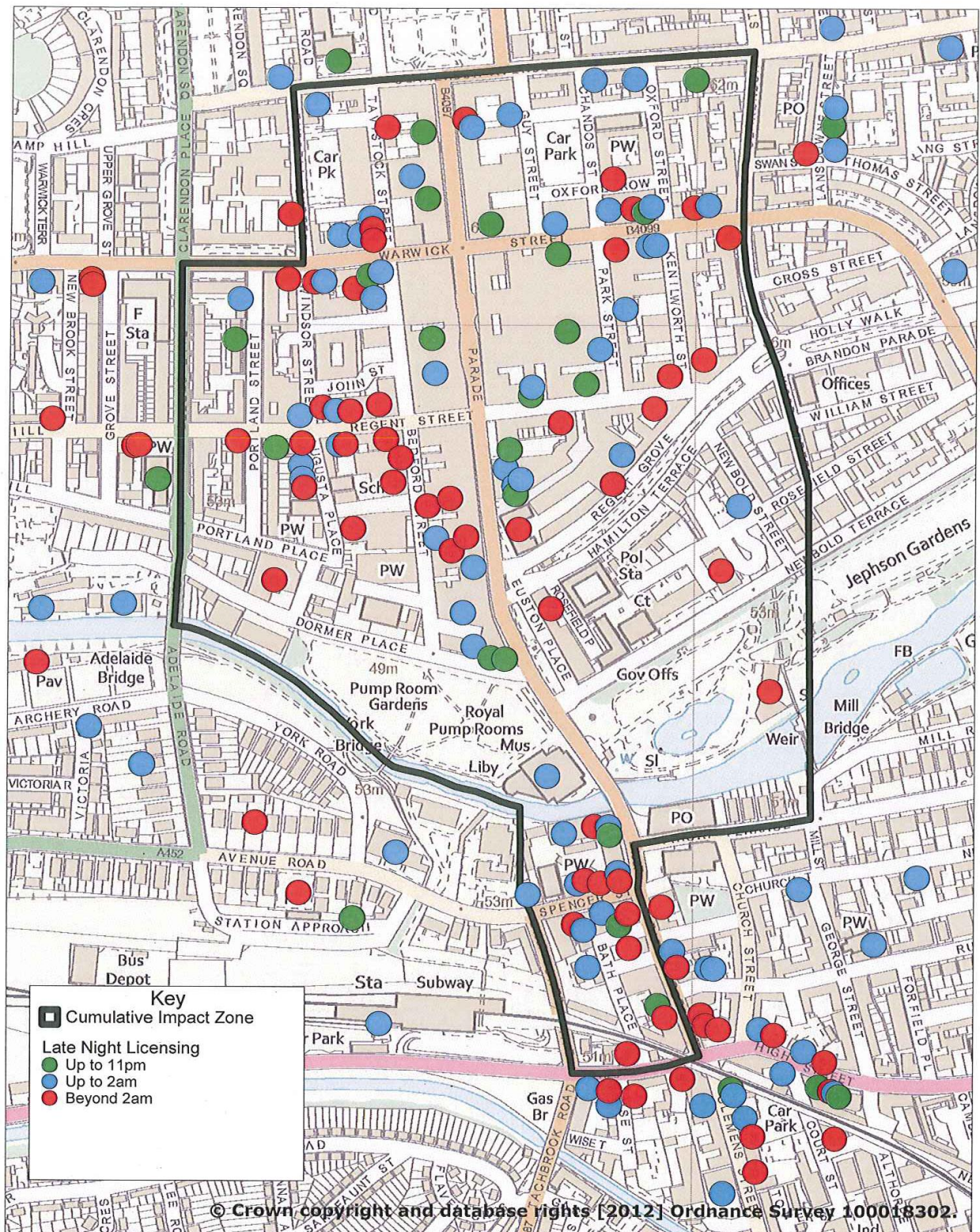
13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.

13.2 This means that, anywhere in the district, it is an arrestable offence to fail, without reasonable excuse, to comply with a police officer's request to cease drinking alcohol. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession.

14 Further Information

- 14.1 The Licensing Authority has produced guidance documents for applicants.
- 14.2 The Council's Health and Community Protection Section offers advice on the process for, and, progress of, applications and as to whether particular activities need to be licensed. If detailed advice on the requirements of the legislation and how it affects you and your premises is required, independent legal advice should be sought.
- 14.3 The granting of a licence under the Licensing Act 2003 does not obviate the need for permissions or consents required under other legislation.

Appendix 1 – Cumulative Impact Zone (current for 2013)



Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410



Appendix 2 – List of Responsible Authorities

POLICE:

Chief Officer of Police
Warwickshire Police Licensing Team
Warwickshire Justice Centre Leamington Spa
Newbold Terrace
Leamington Spa
Warwickshire
CV32 4EL

Tel: 01926 684033

Fax: 01926 684038

Email: Liquor.Licensing@warwickshire.pnn.police.uk

FIRE AUTHORITY:

County Fire Officer
Warwickshire Fire & Rescue Service
Warwick Street
Leamington Spa
CV32 5LH

Tel: 01926 423231

E.Mail: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCY FOR HEALTH AND SAFETY:

Regulatory Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456707

Email: ehsafety@warwickdc.gov.uk

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Environmental Sustainability Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456714

Email: ehpollution@warwickdc.gov.uk

THE LICENSING AUTHORITY:

Safer Communities Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill

Royal Leamington Spa
CV32 5HZ

Tel:
Email:

AUTHORITY RESPONSIBLE FOR PLANNING:

Gary Fisher
Group Leader Development Control
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456541
Email: gary.fisher@warwickdc.gov.uk

BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:

Keith Edwards
Assistant Head of Service
Planning and Performance Children
Young People and Families Directorate
Saltisford Office Park,
Ansell Way
Warwick
CV34 4UL

Tel: 01926 731139
Email: sslicensingapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Simon Coupe
Divisional Trading Standards Officer
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414040
Email: simoncoupe@warwickshire.gov.uk

PUBLIC HEALTH ENGLAND:

Public Health Department (Licensing)
NHSWarwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email:
PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk