

 Licensing & Regulatory Committee 20 September 2016		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for 130 Parade, Royal Leamington Spa.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	12.9.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	12.9.2016	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 Everards Brewery Limited for 130 Parade, Royal Leamington Spa.
- 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 130 Parade, Royal Leamington Spa should be granted and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Everards Brewery Limited applied for a premises licence for 130 Parade, Royal Leamington Spa on 9 August 2016.
- 3.2 The premises licence is for a public house and will merge two existing premises into one licensed premises. These premises are The Lounge, 130 Parade and the Bedford, 75 Bedford Street.
- 3.3 Following discussions between the applicant, Environmental Health and Warwickshire Police, the applicant has amended their original application. The licensable activities requested are detailed in appendix 1.
- 3.4 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

General

The proposed DPS for the premises understands the responsibilities associated with all four of the Licensing objectives and will take the following steps to ensure the objectives are met:

All regulated entertainment that is permitted will take place inside the premises.

Staff members working at the premises will be fully trained in age verification and will be fully briefed on the Health and Safety policy for the premise.

The DPS will implement a 30 minute "drinking up" time to allow appropriate dispersal of customers.

Prevention of Crime and Disorder

There will be zero tolerance drug policy. Drug prevention measures will be employed and signs displayed where appropriate.

The DPS will ensure the premise is involved in local/police initiatives if/or when necessary to promote prevention of crime and disorder.

The DPS will ensure staff training is provided on ID policy and drug policy.

The DPS will not carry out any irresponsible sales promotions or discounting of prices of alcoholic beverages.

Any members of the Public acting in an anti-social or aggressive manner shall be asked to leave the premises.

Taxi Details will be made available at the premises.

Signs will be displayed at all exits asking customers to leave quietly.

Protection of Children From Harm

The following measures will be put in place to protect children from harm. Staff will be trained on all policies and all conditions to ensure children are protected from harm.

All staff will be trained on ID policy and prevention of the sale of alcohol to children.

Staff will be trained to identify adults purchasing alcohol for persons underage.

The DPS will operate a zero tolerance policy to this issue.

Films shown will be only viewed by an audience as per BBFC rating system.

Public Safety

Staff training will be provided on Health and Safety where appropriate.

The fire risk assessment will be strictly adhered too.

Glasses will regularly be collected.

Prevention of Public Nuisance

The following measures will be put in place to prevent public nuisance:

Prominent, clear notices shall be displayed at all exits requesting customers respect the needs of the local residents and leave the premise quietly.

Anti-social behaviour will not be tolerated.

The volume of any music will be regularly monitored by staff to ensure it is not at a level that will have a negative impact on neighbouring properties.

- 3.5 The Licensing Department have received two representations in relation to this application, these are attached as appendices 2 and 3. Representations were also received from Environmental Health and Warwickshire Police. However, additional conditions were agreed and subsequently their representations were withdrawn. These conditions will be added to any premises licence issued and are as follows:

1. All windows and doors shall be kept closed after 23:00, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
2. No speakers for the amplification of music or speech shall be placed on the outside of the premises or on the outside of any building forming part of the premises.
3. No open vessels shall be taken outside the curtilage of the premises at any time.
4. Noise levels will be monitored on and off site at regular intervals to ensure that noise from activities at the venue do not give rise to a nuisance. The Designated Premises Supervisor or Duty Manager shall undertake a noise risk assessment of any activities at the venue to determine how regularly noise monitoring must take place.
5. A sound limiting device shall be fitted to any musical amplification system used for the provision of regulated entertainment and shall be set at a level determined by and to the satisfaction of an authorised officer of Warwick District Council's Environmental Health service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior approval from the Environmental Health Service.
6. Except in emergencies, no customers shall be permitted to access or exit the premises via the Bedford Street entrance(s) between the hours of 01:00am and 08:00am on any day.
7. Door supervision must be provided on Friday and Saturdays. Door supervisors must be on duty from 21.00hrs and must remain on duty until the premises are closed and all the customers have left.

8. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
9. there must be a minimum of 1 door supervisors on duty per entrance / exit that are in use and DPS must complete on going professional risk assessments as to how many door supervisor are required in addition to minimum requirement, and at any other time.
10. The premises licence holder must ensure that :
 - a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d. The CCTV system operates at all times while the premises are open. All equipment must have a constant and accurate time and date generation.
 - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
11. Refusals / Incident register to be maintained and made available for inspection on reasonable request from a Responsible Authority.
12. No persons under the age of 18 years will be allowed on the premises after 23.00hrs.
13. No entry/re-entry one hour before closing time (permitted hours) when premises open after 01:00hrs.
14. Premises will be a member of local police approved retail radio scheme and conform to its license, policies and procedure.
15. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority
16. No regulated entertainment to take place in any areas of the first floor of the premises

3.6 No representations have been received from:

- 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
- Warwickshire County Council (Weights and Measures)

3.7 Premises licences issued under the Licensing Act 2003 have been in place at 130 Parade and 75 Bedford Street since 2005. Licensing Officers and Street Marshalls are required to spend very little time at either premises.

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.**

- 3.9 A plan of the premises provided by the applicant will be made available at the hearing, a map of the area is attached as appendix 4 and photographs of the area are attached as appendix 5.

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 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 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.