

A Licensing & Regulatory Panel will be held remotely on Tuesday 25 August at **10.00am**, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership: Councillors C Gifford, Heath and Leigh-Hunt

Agenda

1. **Appointment of Chairman**

To appoint the Chairman of the meeting.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Application for a Premises Licence under the Licensing Act 2003 for Deli on the Hill, 36 Castle Hill, Kenilworth**

(Pages 1 to 65)

Published Friday 14 August 2020


General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officer named in the report. Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

 Licensing & Regulatory Panel 25 August 2020		Agenda Item No. 3
Title	Application for a Premises Licence under the Licensing Act 2003 for Deli on the Hill, 36 Castle Hill, Kenilworth, CV8 1NB	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
District Ward the Application is in	Kenilworth Abbey and Arden	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005 Deregulation Act 2015	

Officer/Councillor Approval		
Officer Approval	Date	Name
Democratic Services Manager & Deputy Monitoring Officer	13/8/2020	Graham Leach
Head of Service	13/8/2020	Marianne Rolfe
Consultation & Community Engagement		
The application was duly submitted and processed as required by the regulations.		

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid premises licence application for Deli on the Hill, 36 Castle Hill, Kenilworth, CV8 1NB.
- 1.2 Representations have been received in relation to the 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 from Mr Daniel Taylor for Deli on the Hill, 36 Castle Hill, Kenilworth, 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's 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 13)
- 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 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.
- 3.3 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.
- 3.4 Mr Daniel Taylor applied for a new premises licence at Deli on the Hill, 36 Castle Hill, Kenilworth on 14 July 2020.
- 3.5 The premise is described by the applicant as a small coffee shop/sandwich shop which supplies dine in and take-away food. The premises consist of two rooms with tables and chairs. The licensable hours and activities applied for by the applicant along with the operating schedule which will form part of any licence issued are shown in appendix 1.
- 3.6 Warwickshire Police and Warwickshire County Council Trading Standards have agreed conditions with the applicant and have subsequently withdrawn their representations. The conditions agreed will form part of any licence issued and are as follows:
- 1. A 'challenge log' (refusals book) recording all challenges – where both sales and refusals result. The refusals book to be made available for inspection on reasonable request from responsible authority.
 - 2. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits).
 - 3. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.
 - 4. Alcohol to be tabled served by waiter/waitress service at all times.

5. Alcohol only to be supplied to those persons partaking of a table meal or waiting to be seated.
6. CCTV to be installed and the premises licence holder must ensure that :-
 - a. CCTV cameras are located within the premises to cover all public areas.
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 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 for licensable activities'. 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. Downloads will be provided to the Police upon reasonable request in line with the GDPR
 - g. Signed off by Warwickshire Design Out Crime officer
7. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.

3.7 The Licensing Department have received seven objections and a representation in support of the application from interested parties. These are attached as appendices 2 to 9. Under the Licensing Act 2003 if representations are received in relation to an application a hearing must be held to consider the representations.

3.8 No representations have been received from:

- Environmental Health
- Fire Authority
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

3.9 A plan of the premises is attached as appendix 10. A map of the area is attached as appendix 11 and photographs of the premises are attached as appendix 12.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

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.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District Council are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
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.	None	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.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

	Sale of Alcohol for consumption on and off the premises	Live music Indoors*	Recorded Music Indoors**
Monday	12:00 to 17:00		09:00 to 16:00
Tuesday	12:00 to 17:00		09:00 to 16:00
Wednesday	12:00 to 17:00		09:00 to 16:00
Thursday	12:00 to 17:00		09:00 to 16:00
Friday	12:00 to 23:00	17:00 to 21:00	09:00 to 16:00 and 17:00 to 22:00
Saturday	12:00 to 23:00	17:00 to 21:00	09:00 to 16:00 and 17:00 to 22:00
Sunday	12:00 to 18:00		09:00 to 16:00 and 17:00 to 21:00

*Between the hours of 08:00 and 23:00, when amplified live music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises; or when unamplified live music is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence are deemed not to be in operation.

**Between the hours of 08:00 and 23:00, when recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

Operating Schedule submitted by the applicant

General

CCTV has been installed in the shop.

Challenge 25 policy will be in place and customers who look under this age will be politely asked for the ID to prove their age.

A Personal Licence holder will be at the premises at all times when alcohol is being sold.

Prevention of crime and disorder

A notice will be displayed at the entrance to the premises advising that C.C.T.V. is in operation.

People that are intoxicated will be refused alcohol and advised on the soft drinks available.

Prevention of public nuisance

Capacity number will be lower than 40 people at any one time.

Customers will leave on a staggered basis to prevent noise.

A policy is in place for guiding patrons from the premises to a licensed taxi or private hire vehicle should a request be made.

Protection of children from harm

We will have a proof of age policy that has been formulated in discussion with the Police and the Licensing Authority.
Challenge 25.

Public safety

Customers will not be able to take away opened or unsealed bottles.
All bottles and glasses are to be removed from public areas as soon as the contents have been drunk or are empty.

Kirsten Page

From: Robert Stanton
Sent: 03 August 2020 11:56
To: Licensing
Subject: WDCPREM00963 - Licensing Act 2003 Representation Form - Support for proposal

Dear Licensing Team,

I would like to register my support for Application WDCPREM00963 by Mr Daniel Taylor at Deli on The Hill, 36 Castle Hill, Kenilworth, Warwickshire, CV8 1NB.

We live 450m away from the venue and it's been great to have another local business moving to our end of Castle Hill. The applicants have been positively engaged on social media to explain the proposals, and being able to have a glass of wine and listen to some local acoustic musicians with their proposed small-scale afternoon and early-evening dining events sounds great.

The nature of the planned events is not going to generate antisocial noise or disorder and complements the other food and drink businesses that are already nearby (Time for Tea, Harrington's Restaurant, the Clarendon Arms and the Queen & Castle); it's been good to see new a new local business opening up and in these challenging times a well-thought-through proposal to moderately expand their offering should be encouraged and supported.

I hope the Council will therefore look favourably on this application.

Yours sincerely,

Rob Stanton

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public, please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses, please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
<p>My objection is relevant to the following licensing objective:</p> <p><i>You can tick more than one box</i></p>	<p><input type="checkbox"/> Prevention of crime and disorder.</p> <p><input checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>

	I object to the application being granted at all
x	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

<p>Our objection is based on the following:</p> <p>You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.</p> <p>Please attach supporting documents / further pages as necessary - Please number all extra pages</p> <p>This representation form raises an objection to a licence application submitted by Deli On The Hill in Castle Hill, Kenilworth. Before stating objections against any one of Warwick District Council's licensing objectives, it should be noted from the Kenilworth Town Plan that this is a conservation area that forms an integral part of the character of Kenilworth, which should be preserved and retained. Any future granting of licence applications should take this into regard. Many buildings are listed, and the premises in question is a mid-terrace listed property in the heart of this street – in between two residential listed properties. First, granting a licence that potentially changes the nature of this premises from a daytime café into a night-time bar is not in keeping with the character of this area (although we note the conditions subsequently attached to this application are helpful in this respect). Second, and of equal importance, it could have a detrimental impact on local residents.</p> <p style="text-align: right;">CONTINUED ON SEPARATE SHEET</p>	
<p>Signed.....</p> <p>Date....9.August.2020.....</p>	<p>....(Simon Bowen).....</p>

CONTINUED FROM MAIN REPRESENTATION FORM

(PAGE 2 OF REPRESENTATION WORDING – TO BE INSERTED AS PAGE 4 OF OVERALL FORM)

Cumulative impact

Castle Hill is a row of terraced houses (many Grade II listed) and the Little Virginia estate. It is a largely residential area. There are already four existing licences in the local area (Queen and Castle; Clarendon Arms; Harrington's on the Hill; Time for Tea) – for a small, residential area, the night-time economy market is saturated. Granting an additional licence for the supply of alcohol – even one with a condition attached to the consumption of a main meal – brings in a valid challenge of intensification for an area of character, and one that lies outside of Kenilworth's town centre where you might expect to find more premises of this nature.

Not only would this bring into question the cumulative impact of alcohol supply, but also the cumulative impact of public nuisance and potential antisocial behaviour, especially around noise and the enjoyment of homes by local residents. See below for more on this.

Prevention of public nuisance

As per the Statement of Licensing Policy 2018-2021, applicants should consider the suitability of premises for the type of activity to be undertaken, including in respect of noise breakout and noise/vibration transmission to adjoining properties. The premises in question is mid-terrace – this holds particular concern for immediate neighbours with regards to the playing of live or recorded music inside the premises, within party walls, as well as the lengthening of opening hours late into the evening, when it is more likely residents will be looking to enjoy peace and their right to quiet enjoyment within their own property.

It is unclear whether or not any sound proofing has been applied to party walls, or any means of protecting the integrity of walls from vibration, especially from amplified bass, amplified guitar, drums or any amplified music. This is a matter of concern as owners of a neighbouring property, and clarification on this should be provided before any licence application is considered.

In addition, it will be difficult to contain live music within the premises. There is no mention within the application of all windows and external doors being kept closed except for immediate access and egress of customers, or in the event of an emergency.

In respect of waste, increased opening hours will inevitably lead to more waste being generated by the premises. Also, the supply of alcohol will lead to more glass waste, which is noisy when being disposed of. As there is no dedicated bin store for the premises other than a shared resident pathway at the back of the terrace, it is unclear how the increased waste will be disposed of safely and quietly, causing no harm or inconvenience to neighbours. Especially if this is undertaken after the proposed closing hours of 11pm on Friday and Saturday.

There is no explained provision for customers who are smokers within the application. As there is no public space at the rear of the property that is acceptable to residents for smokers to use, it is assumed smokers will temporarily and frequently leave the premises onto Castle Hill to smoke. It is unclear whether or not they will be able to take alcohol with them, which would lead to drinking on the street. It is also unclear how any agreed designated smoking area on Castle Hill would be away from residential properties and prevent public nuisance from increased loitering, noise and cigarette litter.

CONTINUED FROM MAIN REPRESENTATION FORM

(PAGE 3 OF REPRESENTATION WORDING – TO BE INSERTED AS PAGE 5 OF OVERALL FORM)


Longer opening hours for the premises will lead to increased pressure on residential parking on Castle Hill, for which residents pay an annual fee. Whilst there is a large car park between the Queen and Castle and Clarendon Arms, this is a paid-for facility, encouraging customers to prefer a free space on Castle Hill where available.

Granting the application would also lead to increased traffic on the street, not least taxis. Along with taxis collecting customers from other licensed premises on the street, the cumulative impact will result in increased noise for residents of engines running, and car doors being opened and closed late at night. There will also be increased waiting of taxis near to a bend in the road, a junction and a row of parked cars on one side of the narrow street, causing an inconvenience and potential hazard to other street users.

Summary of objections and conditions

As a neighbouring property, we object to different elements of the licence application – longer opening hours, the supply of alcohol and the hosting of live music. Should the committee approve the application we would urge that robust conditions are imposed, covering:

- Alcohol to be table served at all times and only supplied to those people who are on premises for a table meal (noted that this has subsequently been added)
- Alcohol not to be taken off the premises, including by customers who wish to smoke
- A reduction to both opening hours and the hours in which live and recorded music can be played than those suggested by the applicant
- Type of music that can be played, with the application of sound proofing and regular noise level checks
- Management systems to ensure no disruption to neighbouring properties from:
 - smoking
 - noise
 - anti-social behaviour
 - litter
 - taxis
 - disposal of waste

Licensing Act 2003 Representation Form		
Section 1 - Application Details		
I object to the following Application:		
Applicant's name (if known): MR DANIEL TAYLOR		
Premises name and address: DELI ON THE HILL LIMITED 36 CASTLE HILL KENILWORTH CV8 1NS		
Application for a	Premises Licence..... <input checked="" type="checkbox"/>	
	Club Premises Certificate..... <input type="checkbox"/>	
Application to vary an existing	Premises Licence..... <input type="checkbox"/>	
	Club Premises Certificate..... <input type="checkbox"/>	
Application Number	WDC PREM 00963	

Section 2 - Objector details	
Individual Objectors Details:	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	
First name(s)	
Contact Tel no:	
Email address:	
Address (incl postcode):	

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public, please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses, please complete the boxes below

Organisation name if applicable

LITTLE VIRGINIA MANAGEMENT LTD

Please state nature of representation:

THE MANAGEMENT COMPANY JOINTLY OWNED BY
THE 10 OCCUPIERS OF PROPERTIES IN THE LITTLE
VIRGINIA COMMUNITY.

I WRITE AS CHAIRMAN ON BEHALF OF THE
MAJORITY OF RESIDENTS

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

- ☐ Prevention of crime and disorder.
- ☒ Prevention of public nuisance.
- ☐ Protection of children from harm.
- ☒ Public safety

<input checked="" type="checkbox"/>
<input type="checkbox"/>

I object to the application being granted at all
I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

PLEASE SEE ACCOMPANYING LETTER

Signed.....

Date..... 8 AUG 20.....

Little Virginia Management Limited

The Licensing Authority
Warwick District Council

8 August 20

Dear Sirs,

Warwick District Council - Licence Register – Application No WDCPREM00963

I am writing as Chair of Little Virginia Management Ltd ('LVM'), to object to the above application on behalf of a majority of the Residents of Little Virginia.

Background

Little Virginia is a group of 10 residential properties on Castle Hill facing Deli on the Hill (37 Castle Hill), the subject property of the above application. The owner(s) of each property has a share in LVM.

The nearest property is less than 15m from the front door of the Deli .

The 10 Residents/Couples of Little Virginia include a number of elderly and vulnerable persons, 3 of whom are 'shielding' from Covid-19.

Little Virginia is located in a Conservation Area, with a local pre-ponderance of residential properties.

All properties are bound by covenants passed down in the historic ownership of the land, amongst which are to only use each property for the residence of a single family, not to operate any commercial activity and to refrain from doing anything which may be a damage, nuisance or annoyance to others.

Grounds for Objection

Whilst we do not wish to stand in the way of appropriate local business use, we object to the application on the following grounds :

Prevention of Public Nuisance

1. Noise is already an issue for Residents due to the licensed properties further down Castle Hill (but still opposite Little Virginia). We believe that an alcohol and music licence at the Deli, with longer opening hours into the evening, will seriously exacerbate this issue and seriously prevent the 'quiet enjoyment' of properties specified in the covenants for our properties. Live and recorded music will inevitably permeate the private households of residents.
2. The Deli is a relatively small property and it is inevitable that customers will spill out onto the pavements in the evenings. The photo below illustrates this. Recently customers have been sitting on the private grassed areas of Little Virginia, next to our properties.
3. The application mentions up to 40 people – we question whether this number can be safely accommodated. We note the proposal for 'staggered leaving to prevent noise'. This will actually compound the noise problem as the door will often be open.

4. A licence for the Deli will put further pressure on residents' parking on Castle Hill, particularly in the evenings. There have been a number of recent instances when residents, despite having paid for Local Authority Parking Permits, have found, on returning home, that there is no space to park and have had to pay at local car parks. This is unacceptable and will only get worse if the Deli has extended hours with alcohol and music.
5. The proposals are not consistent with the Conservation Area.

Public Safety

1. Castle Hill is a narrow road with narrow pavements. Given that there is continuous parking along the south side, cars cannot pass easily and often run up onto the northern pavement outside the Deli. The pavements are narrow with an inability for people to pass each other at acceptable social distance. This is compounded by chairs, tables and signage placed on the already narrow pavement (see photo) which forces pedestrians to walk in the road.

We look forward to your consideration of these objections. Additional commercial activity in this part of Castle Hill runs the risk of changing the whole nature of the locality for the worse. We hope that that our local Council will recognise the importance of protecting the quality of life of its residents, and particularly elderly residents who are surely entitled to peace and quiet in their retirement.

Yours sincerely,

George Marsh

Chair Little Virginia Management Ltd



Kirsten Page

From:
Sent: 06 August 2020 11:38
To: Licensing
Subject: WDCPREM00963 - Deli on the Hill license application
Categories: Emma

Dear sirs,

I write to object to the application for licensing hours for Deli on the Hill.

I am a resident on Castle Hill and Deli on the hill is in between residential properties, close to mine. The area is a peaceful one with mainly retired elderly. Whilst the Deli room serves a purpose in the day, a license for evening would disturb the neighbourhood.

Please can you confirm my objection on receipt of this email.

Kind regards.

David.

C.S.T.

-5 AUG 2020

Licensing Act 2003 Representation Form



WARWICK DISTRICT COUNCIL

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known): MR DANIEL TAYLOR

Premises name and address: DELI ON THE HILL
36 CASTLE HILL
KENILWORTH
CV8 1NB

Application for a Premises Licence ☒

Club Premises Certificate..... ☐

Application to vary an existing Premises Licence..... ☐

Club Premises Certificate..... ☐

Application Number WDCPREM00963

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title Mr ☐ Mrs ☒ Miss ☐ Other

Surname MCKEVITT

First name(s) JANE

Contact Tel no:

Email address: c.net

Address (incl po

Section - Objection Details

My objection is relevant to the following licensing

You can tick more than one box

☒ Prevention of crime and disorder.

☒ Prevention of public nuisance.

☐ Protection of children from harm.

☒ Public safety



I object to the application being granted at all
I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would

like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

- THIS IS A CONSERVATION AREA WHICH
- IS MAINLY RESIDENTIAL.
- THERE IS LIMITED PARKING
- THE IMMEDIATE RESIDENTS ARE CONCERNED ABOUT ADDITIONAL NOISE + DISRUPTION
- THERE ARE ALREADY SEVERAL LICENCED PUBS/RESTAURANTS IN THE VICINITY
- LIVE MUSIC NOT APPROPRIATE, ESPECIALLY IN WARMER WEATHER WHEN DOORS/WINDOWS WILL BE OPEN

Signed...

[REDACTED]

From: Jane McKevitt [REDACTED]
Sent: 06 August 2020 17:33
To: Licensing
Subject: Re: Objection to Premises Licence Application - Deli on the Hill - WDCPREM00963

Good afternoon

I am responding to your request for expansion to my objection to the licence application for Deli on the Hill, WDCPREM00963

I am a near neighbour [REDACTED] of this premises. Residents in our area already suffer noise nuisance, night-time disturbance and all-day parking problems due to the number of existing licenced bars and restaurants in the immediate vicinity. The granting of another licence can only exacerbate these issues and impact on the Prevention of Public Nuisance objective

Regards
Jane McKevitt

Kirsten Page

From: Emma Dudgeon
Sent: 03 August 2020 15:13
To: Sandie Laird
Subject: RE: WDCPREOO963 Premises Licensing Deli on the Hill 36 Castle Hill Kenilworth CV8 1NB

-----Original Message-----

From: Sandie Laird [mailto:~~suk~~]
Sent: 01 August 2020 10:19
To: Licensing <licensing@warwickdc.gov.uk>
Subject: WDCPREOO963 Premises Licensing Deli on the Hill 36 Castle Hill Kenilworth CV8 1NB


Dear Sir/Madam

Re the above premises of which we live directly opposite. We are very concerned about a music licence as this is a residential area and no 36 is part of a terrace with families living either side. One family having 3 young children. Our bedroom window is in close proximity to the deli, and we do hear people come and go, but the thought of late nights and music fill me with fear. We have lived on Castle Hill for over 25 years, and having worked very hard are now looking forward to our retirement, but feel music noise could be a reason we would decide to move, which after all this time would be sad. We would be grateful if consideration of the people living in this lovely residential location could be taken into consideration as we all keep our properties in very good condition as we have an awful lot of people come to visit Kenilworth to experience the history of the old town.

Yours sincerely

Sandie Laird

Sent from my iPad

Licensing Act 2003 Representation Form		
Section 1 - Application Details		
I object to the following Application:		
Applicant's name (if known): Deli on the Hill Limited (Mr Daniel Taylor)		
Premises name and address: Deli on the Hill, 36 Castle Hill, Kenilworth, CV8 1NB		
Application for a	Premises Licence..... <input checked="" type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>	
Application to vary an existing	Premises Licence..... <input type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>	
Application Number	WDCPREM00963	

Section 2 - Objector details	
Individual Objectors Details:	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr
Surname	Toor
First name(s)	Stephen
Contact Tel no:	
Email address:	
Address (incl po	

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public, please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses, please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
<p>My objection is relevant to the following licensing objective:</p> <p><i>You can tick more than one box</i></p>	<p><input type="checkbox"/> Prevention of crime and disorder.</p> <p><input checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>

	I object to the application being granted at all
X	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

The applicant's premises is a mid-terrace sandwiched between two residential properties in a conservation area consisting of largely residential properties. My property, 34 Castle Hill adjoins this premises on the right from front elevation.

Having regard for the age of these properties and their grade 2 listed building status, sound insulation is very limited and generally ineffective between party walls. The current level of sound transmission is already intrusive during busy times and when recorded music is played. With live music and the possible consumption of alcohol into late evening, the resulting levels of sound transmission will be unreasonable and will have an adverse effect on the quiet enjoyment of our home and almost certainly disrupt the sleeping times of my young children. Indeed, this has been the case when the applicant has very occasionally hosted a private late evening event.

Properties on this street do not enjoy a front garden with there being only the width of the pavement (approx. 1m) separating them from the road. Noise from waiting taxis and customers exiting the premises late at night will therefore transmit very easily into homes. With this close proximity to the road and the fact that the vast majority of the properties being restricted to single-glazed windows, this additional noise will prove intolerable for nearby residents.

Furthermore, patrons wishing to smoke will likely congregate outside the front of the premises. With the very limited space as mentioned above, it is inevitable they will encroach on neighbouring residential properties, particularly those on either side of the premises. The accompanying noise, litter and the potential for antisocial behaviour linked to alcohol consumption will make access to our own property during twilight hours very uncomfortable for my family.

The applicant's premises does not have a dedicated area for waste storage at the rear or indeed any space to construct one. Waste management currently involves bins located on a shared resident pathway (two metres from my kitchen) which in my view represents an inadequate space for the containment, storage and transfer of waste. Capacity for any additional waste storage that may be generated through extended opening and/or alcohol consumption is extremely limited without causing obstruction and a further increase in odours, especially during warm weather.

We do not object to the application in its entirety but do strongly object, for the reasons highlighted above, to the following:

- Hosting of live music any time of day
- Sale of alcohol for consumption on and off the premises during the evening
- Sale of alcohol for consumption on and off the premises without condition of main meal consumption

The latter two points would also help safeguard against the premises evolving from a daytime café to a night-time bar which would be wholly inappropriate due to its location within the terrace and the surrounding residential area.

Signed

Date 9th August 2020

Emma Dudgeon

From: Jane Martin
Sent: 11 August 2020 21:05
To: Licensing
Subject: Ojection to Licensing Application WDCPREM00963 Deli on the Hill, 36 Castle Hill, Kenilworth

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs,

I write to object to the application made **for Deli on the Hill, 36 Castle Hill, Kenilworth for alcohol and live music – Application number WDCPREM00963 – Applicants name: Mr Daniel Taylor.**

My objection is relevant to the following licensing objective: Prevention of crime and disorder; Prevention of public Nuisance and Protection to children from harm.

I object to the application being granted at all based on the following concerns:

- The location is in between two residential properties in a quiet residential street.
- Where alcohol is involved the possibility for inappropriate behaviour is increased.
- The sale of alcohol and similar activities will lead to noise and antisocial behaviour in local streets at a time when most respectable residents are in bed trying to sleep.
- There is no adequate parking provision at the premises. Parking is at a premium on Castle Hill and the surrounding streets. Although there are permits, the permits only run between the hours of 8 am and 8 pm (with 2 hours min parking for non-residents). Non-residents constantly park on the road and do not observe the 2 hour time limit. In the evening non-residents park from 6 pm for 2 hours free and then stay later meaning that residents are often unable to park in the road on their return from work.
- Parking ones vehicle on the street at night has its inevitable risks attached. If that risk of possible damage is increased by introducing a larger number of people late at night and having been in an environment where alcohol and possibly other substances are involved, then this is not an acceptable risk to have placed on existing residents.
- Generally any activity involving the increased numbers of people, vehicles, music and alcohol at night is not appropriate for a residential area and it raises the risk of becoming a public nuisance and significantly raises the risk of criminal and disorderly behaviour.
- There are already two public houses in close proximity. I fail to see why an extra drinking and music venue is required especially given this is situated in a residential area.
- The playing of either recorded or live music late in the evening will have an intrusive effect on the residents living nearby. The venue is surrounded by residential properties, many with young families and working people to whom loud music will cause significant disruption and upset. As houses immediately front the pavement when leaving the premises the noise will awaken sleeping residents and as there are children living in these houses this is very unfair to them.
- Castle Hill has many houses which retain the original single glazed windows and due to their age are constructed of only a single brick wall. They are not sound proofed and leakage of sound will disturb

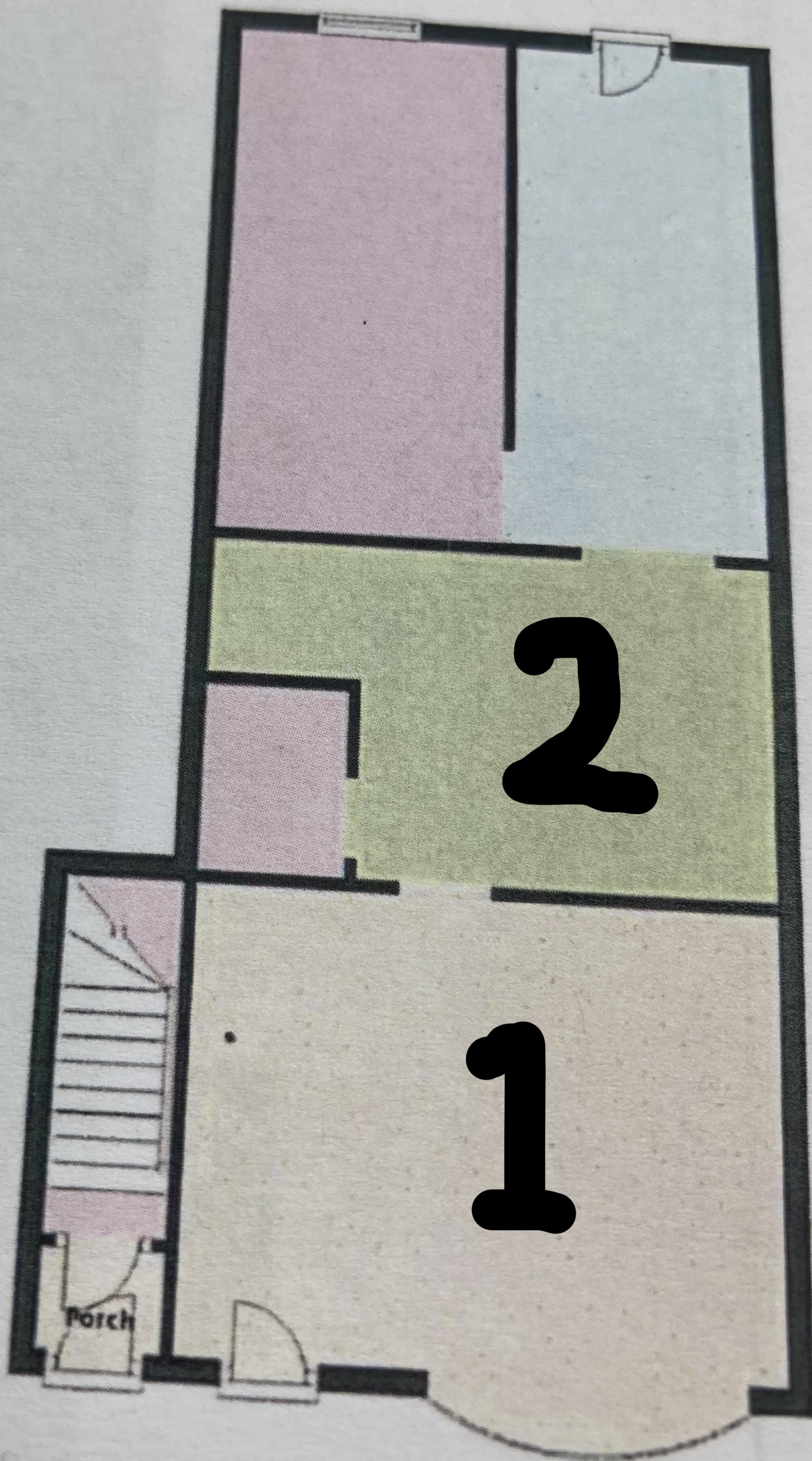
residents in neighbouring properties. That coupled with the increase in extra traffic and late night revellers, the noise will reverberate down the narrow street. I therefore question the suitability of legalising very late night music in such an inappropriate building – which will magnify sound because of its structure and materials build.

- In the past couple of years we have to endure noise from live bands playing at The Queen and Castle pub and other nearby venues. The issue of live music is a concern as we can hear music clearly when standing outside the front and back of the house and when our windows are open at night as well as when they are closed.
- Litter and vandalism – there is restricted off road parking in the street and therefore the majority of the people have to leave their cars parked on the street. By increasing the number of people in the area late in the night you put peoples cars at risk of damage both accidental and deliberate. It is also likely there will be an increase in litter.
- The premises are small and therefore there must be capacity issues with having live music and people in the property. This must raise health and safety concerns.

Jane Martin, (

Floor Plan

Ground Floor
Approx. 65.9 sq. metres (709.8 sq. feet)











STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2018 - 2021

IMPORTANT NOTE

In producing this Statement Of Licensing Policy the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future may not be incorporated into this policy document and readers of this document are advised to check the Home Office/Gov.uk website to ensure they have the latest information.

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STATEMENT OF LICENSING POLICY

1 INTRODUCTION

1.1 Warwick District Council ('the Council') has a duty under the terms of the Licensing Act 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 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 138,400 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.

1.4 This statement of licensing policy relates to all those licensing activities identified as falling within the provisions of the act, namely:

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an 'authorisation' means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context a Personal Licence.

1.5 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work with the Responsible Authorities, the South Warwickshire Community Safety Partnership, local businesses and local people to promote the common objectives as outlined. In addition the Licensing Authority recognises its duty under s.17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder.

- 1.6 This policy statement has been prepared in accordance with the provisions of the Act and the guidance issued under s.182 of the Act. The policy statement is valid until 5th January 2021. This policy statement will be subject to review and further consultation prior to any substantial changes.
- 1.7 A list of contact details for the Responsible Authorities authorised under the act is attached to this policy statement as Appendix 2.
- 1.8 The Licensing Authority has recognised Warwickshire County Council as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purposes of s.13 of the Act.
- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the guidance issued under s.182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

Public Health as a Responsible Authority

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

2 CONSULTATION

- 2.1 Before publishing this policy statement the Licensing Authority has consulted and given proper consideration to the views of the following in line with the statutory guidance.
- The Responsible Authorities
 - Representatives of current licence and certificate holders
 - Representatives of local businesses
 - Representatives of local residents

3 FUNDAMENTAL RIGHTS

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.2 Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Licensing Authority.

4 LICENSING CONDITIONS

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. 'Premises' includes open spaces. Conditions attached to various authorisations will be focused on matters that are within the control of the individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 4.2 The Licensing Authority can impose conditions if it has received a relevant representation or if such conditions are consistent with the operating schedule.
- 4.3 When considering any conditions, the Licensing Authority acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.
- 4.4 The Licensing Authority will not impose standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Licensing Authority will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of any representations received.
- 4.5 The Licensing Authority has produced a set of model conditions, which is aimed at assisting and supporting applicants through the application process. The model conditions would also assist the Licensing Authority and Responsible Authorities in deciding which conditions would be appropriate to add to a licence. The model conditions may be found at the end of this policy as Appendix 1.

5 OPERATING HOURS

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously thereby reducing the friction at late night fast food outlets, taxi ranks and other forms of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the District.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are relevant representations giving good reasons based on the licensing objectives for restricting those hours.

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

- 6.1 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order are appropriate for the Licensing Authority's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

7 CUMULATIVE IMPACT ASSESSMENT

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need' which concerns the commercial demand for another particular type of premises. The Government's guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.
- 7.2 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.

- 7.3 In line with government guidance the cumulative impact zone is being reviewed in relation to crime and disorder, anti-social behaviour and noise complaints linked to licensed premises within Leamington Spa. The Licensing Authority also considers activities which take place within the town centre which could have an impact on public safety and the protection of children from harm as part of the review. A plan of the current zone may be found at the end of this policy as Appendix 2.
- 7.4 It is considered that the cumulative impact of further new licences within 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.
- 7.5 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.
- 7.6 The Licensing Authority will not operate a quota of any description including the special policy that would predetermine 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.
- 7.7 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 that there will be no disproportionate impact on any of the licensing objectives. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.**
- 7.8 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.
- 7.9 In line with current guidance the policy will be subject to review every 3 years.

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.

- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.
- 8.3 The Licensing Authority will, through its Community Safety Partnership devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations to sustain and promote the prevention of crime and disorder.
- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field and in some cases as the primary source of advice in relation to a particular licensing objective.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Licensing Authority has specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within the District are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.
- 8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.

- 8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Licensing Authority will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the District.
- 8.11 In relation to premises seeking or holding a premises licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

Promotion of Public Safety

- 8.12 Public safety is not defined within the act, but the Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.13 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

Prevention of Public Nuisance

- 8.17 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.
- 8.18 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.19 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should seek to pre-empt potential nuisance, especially if complaints have previously arisen at the same venue.
- 8.20 The Licensing Authority expects holders of authorisations to use their risk assessment and operating schedules to review and, if need be, to make necessary improvements to the premises or to operational practices, in order to prevent public or statutory nuisance.
- 8.21 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.
- 8.22 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.

Protection of Children from Harm

- 8.23 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.

- 8.24 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) being used primarily or exclusively for consumption of alcohol.
- 8.25 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures, should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.26 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.27 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.
- 8.28 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.29 The Licensing Authority regards Warwickshire County Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.
- 8.30 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.

- 8.31 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.32 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi- purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.33 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.34 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way certain licensable activities are conducted. The conditions apply to all appropriate premises.

10 OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the Council's Planning Committee and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning

restrictions. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.

- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.

Applications

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning, health and safety at work, fire safety and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public

entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing and Regulatory Sub-Committee determines that it is appropriate for such controls to be re-introduced.

Public Spaces Protection Order

- 10.12 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

11 BEST PRACTICE SCHEMES

- 11.1 The Licensing Authority supports best practice schemes for licensed premises. Premises in an area covered by a scheme are encouraged to become members of the scheme.

12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 12.1 By consulting widely prior to this policy statement, the Licensing Authority has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.
- 12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-
- The needs of the local tourist economy, to ensure that these are reflected in their considerations;
 - The employment situation and the need for new investment and employment where appropriate; and
 - The general impact of alcohol related crime and disorder.

- The general impact of alcohol related harms to health.

Crime Prevention Strategies

- 12.3 Crime prevention and drug and alcohol misuse policies and the input of the South Warwickshire Community Safety Partnership (SWCSP) will be reflected in licence conditions as far as possible.
- 12.4 The SWCSP is committed to making South Warwickshire a safe place in which to live work and visit. It is the role of the SWCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

Duplication

- 12.5 When considering any application the Licensing Authority will avoid duplication with other regulatory regimes as far as possible. Therefore the Licensing Authority will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

Promotion of Equality

- 12.5 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

13 ENFORCEMENT

- 13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting. This provides a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate enforcement policy in respect of licensing.

- 13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.
- 13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.
- 13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing enforcement policy. These options include:
- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
 - Written warning – this is a step-up from verbal advice and holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.
 - Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of non-compliance remain a more formal enforcement option further up the scale may be selected in order to achieve compliance.
 - Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.
 - Prosecution – Under the Licensing Act 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.
 - Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established Sub-Committees to determine some matters under the Act.

14.2 The Council's Constitution defines those responsibilities and is available for inspection on the Council's website, but a summary of responsibility is set out in Table 1 below.

14.3 Table 1:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

14.4 However Council has retained the power to set the Council's Licensing Policy Statement, but it will seek the views of the Licensing & regulatory Committee before determining any amendments.

Application forms And Process

- 14.5 All application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 14.6 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.
- 14.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

15 COMMENTS ON THIS POLICY

- 15.1 The statement of licensing policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

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

Email: licensing@warwickdc.gov.uk

APPENDIX 1 – Set of Model Conditions

Warwick District Council has produced this document to assist and support applicants and existing licence holders through the application process. It has also been designed for the consideration of responsible authorities and the Council's Licensing and Regulatory Committee.

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions which it considers are appropriate for the promotion of one or more of the licensing objectives.

Those applying for a premises licence, club certificate, variation of a premises licence or variation of a club certificate may also wish to consider those conditions which would promote the licensing objectives when completing the operating schedule.

In determining what conditions are appropriate, it will be necessary to consider the individual circumstances of the premises, including:-

- The nature and style of the venue,
- The activities being conducted there,
- The location, and,
- Anticipated clientele

Guidance for operating schedule

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstance of an individual licensed premises and determined on a case-by-case basis.

Under no circumstances should licensing authorities regard pools of conditions as standard conditions to be automatically imposed in all cases.

Prevention of Crime and Disorder

1. There shall be no sales of alcohol for consumption off the premises after (time).
2. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
3. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
4. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above (insert percentage) will be sold or offered for sale.
5. Each self-serve pump must be covered, in full, by the CCTV system.
6. Only craft beer or ale is permitted to be dispensed from the self-service pumps and will only be available in measures of (measure).
7. Only wine is permitted to be dispensed from the self-service wine dispenser and will only be available in a maximum measure of (measure).
8. When a self-service dispenser is in use a notification system must be in place to alert a member of bar staff.
9. Regular meetings will take place between the Designated Premises Supervisor, Warwickshire Police and Licensing authority. The meetings will take place every (number) months.
10. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear (high visibility jackets or vests or armbands).
11. Door supervision must be provided on (specify days). Door supervisors must be on duty from (insert hours) and must remain on duty until the premises are closed and all the customers have left.
12. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
13. On/at (specify days/hours) at least (insert number) of SIA registered door supervisors must be on duty at the premises (may specify location at the premises or as shown on the plan).
14. 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. That register shall be available for inspection on reasonable request Authorised Officer of the Council, the Security Industry Authority or a Police Constable and shall contain the following details:-
 - the door supervisor's name, date of birth and home address;
 - his / her Security Industry Authority licence number;
 - the time and date he / she starts and finishes duty;
 - each entry shall be signed by the door supervisor.

15. Any door staff register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or a Police Constable and will be retained on the premises for a period of 12 months from the date of the last entry.
16. The Premises Licence holder / Designated Premises Supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The Premises Licence holder / Designated Premises Supervisor will ensure that staff receive training on the policy.
17. CCTV to be installed and the premises licence holder must ensure that :-
 - a. CCTV cameras are located within the premises to cover all public areas.
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 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 for licensable activities'. 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. Downloads will be provided to the Police upon reasonable request in line with the DPA.
 - g. Signed off by Warwickshire Police Architectural Liaison officer
18. The Premises Licence holder / Designated Premises Supervisor is to provide the Police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the Premises Licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
19. The Premises Licence holder / Designated Premises Supervisor must notify the Licensing Office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
20. No open vessels to leave the premises at any time.
21. No open vessels to be taken outside the curtilage of the premises at any time.
22. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
23. Only plastic glasses / plastic bottles / toughened glass to be used in the outside areas of the premises.
24. Plastic or toughened polycarbonate (or similar) glasses / bottles will be used when requested by Warwickshire Police.
25. Drinks must only be served in polycarbonate/plastic containers.
26. No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.
27. SIA door staff will be required to remove all alcohol from customers who are queuing to

enter the premise or entry to be refused. This alcohol must then be disposed of immediately in a bin provided at the premises.

28. A Personal Licence holder must be on the premises at all times when open to the public.
29. A Personal Licence holder must be on the premises on (state days) (time) between (time) hours and close of business.
30. The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence. This should be maintained and made available for viewing by Authorised Officers.
31. Details of the names, addresses and up-to-date contact details for the Designated Premises Supervisor and all Personal Licence holders shall be maintained and kept on the premises.
32. Premises will participate in any Police or responsible authority awareness campaign or training that is relevant to the sale of alcohol, use of drugs or entertainment.
33. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.
34. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Warwickshire Police.
35. There shall be displayed on the premises, information regarding drugs awareness. / Zero tolerance policy.
36. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
37. The premises will be a member of the locally approved radio scheme and abide by its policies and procedures.
38. The premises is to maintain an incident book to record details of the following:-
 - Any violence or disorder on or immediately outside the premises,
 - Any incident involving controlled drugs (supply / possession or influence on the premises,
 - Any other crime or criminal activity on the premises,
 - Any call for police assistance to the premises,
 - Any ejection from the premises,
 - Any first aid/other care given to a customer.
39. An incident book to made available for inspection by a responsible authority on reasonable request.
40. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the Ambulance Service) are called without delay;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
41. Any staff employed at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include (delete where applicable) ;-
- Drunk awareness
 - Drugs awareness
 - Age verification training
 - Conflict management training
 - First aid
42. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
43. No entry / re-entry 1 hour before permitted hours.
44. No entry / re-entry after (time) (days).
45. Any queue (in a designated queuing area) to enter the premises must be supervised at all times by door supervisors.
46. Any (designated) queuing area must be within suitable barriers.
47. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.
48. The premises must only operate as a restaurant:
- in which customers are seated at a table
 - which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery
 - which do not provide any take away service of food or drink for immediate consumption, and
 - where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals
49. The supply of alcohol to customers must be by waiter or waitress service only.
50. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

Prevention of Public Nuisance

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided, except for access and egress and in the event of an emergency.
4. The beer garden / outside area is not to be used/occupied after (x) hours daily.
5. There will be no external loud speakers.
6. The Premises Licence holder / Designated Premises Supervisor will adopt a “cooling down” period where music volume is reduced (insert minutes) before the closing time of the premises.
7. At an appropriate time before closing time, announcements shall be made reminding customers to leave quietly.
8. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
9. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.
10. The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
11. Outside areas and activity must cease and be cleared at (time).
12. The beer garden / outside area(s) is not to be used/occupied after (time) hours daily.
13. With the exception of smokers, the outside area shall not be used by customers after (time).
14. Drinks shall not be permitted to be consumed in the outside area after (time).
15. In relation to the (specified function room) there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending a pre-booked function.

16. Licensable activities at events in the (specified function room) shall only be provided at pre-booked ticketed events.
17. Customers shall not enter or leave the premises from / by (insert specific entrances or exits), except in the event of an emergency.
18. The licence holder (or his/her nominees) shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and as quietly as possible.
19. The licence holder (or his/her nominees) shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
20. There shall be no admittance or re-admittance to the premises after (time) except for patrons permitted to temporarily leave the premises to smoke.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (number) persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).
24. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. All outside tables and chairs shall be prohibited from use after (time) each day.
26. All tables and chairs shall be removed from the outside area by (time) each day.
27. No external seating shall be provided at the premises.
28. All external doors and windows shall be kept closed after (time) hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
29. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.
30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
31. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the local authority's Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the

Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment for the purposes of providing regulated entertainment shall be used on the premises without being routed through the sound limiter device.

33. A sound limiting device shall be fitted to any musical amplification system and 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 agreement with the Environmental Health Service.
34. No regulated entertainment shall take place in the outdoor areas at any time.
35. The provision of live music shall be limited to no more than two performers.
36. All outdoor entertainment shall be unamplified.
37. Suitable means of ventilation shall be provided and maintained at the premises to enable doors and windows to be closed whilst regulated entertainment is being provided.
38. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
39. The Premises Licence holder (or his/her nominees) will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
40. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (time) hours and (time) hours on the following day.
41. During the hours of operation of the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
42. No collections of waste or recycling materials (including bottles) from the premises shall take place between (time) and (time) on the following day.
43. No deliveries to the premises shall take place between (time) and (time) on the following day.

Public Safety

1. A designated room, space or location to be provided within the premises to create a safe environment which is monitored by a trained and DBS checked member of staff or volunteer.
2. All doors/gates through which persons may have to pass whilst making their way from the premises shall be readily and easily openable from within without the use of a key, code, card etc.
3. Once a licence has been granted a Fire Risk Assessment is to be kept on the premises and be available for inspection by an authorised officer.
4. The premises should be provided with a means for raising the alarm in the event of fire.
5. Staff should be aware of the siting of extinguishers, of their correct method of operation and know which equipment is appropriate for a particular fire. The equipment should be so placed as to be readily available for use. At least one appliance should be placed at or near to the exit from a floor and, where extinguishers are provided for special risks, as far as practical be sited close to the risk for immediate use.
6. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
7. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined.
8. The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.
9. The maximum number of persons allowed in the premises shall be (insert numbers, areas and occasions).
10. A person who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if required to do so, give that information to an authorised person.
11. At all times door supervisors on duty, numbers or persons inside the venue shall be recorded by way of a clicker system or similar, and shall if required to do so, give that information to an authorised person.
12. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
13. The Premises Licence holder / Designated Premises Supervision must develop and operate a policy which ensures the safe evacuation of disabled people in the event of an emergency. All staff shall be made aware of these arrangements.
14. Staff or attendants shall be readily identifiable to members of the public.

Protection of Children from Harm

1. Signage to be displayed around the premises in prominent places informing both staff and customers of the 'Challenge 25' policy.
2. A notice(s) shall be displayed in and at the entrance to the premises where they can be clearly seen, indicating that there is a "Challenge 25" policy in place at the premises.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
4. All deliveries of alcohol must be made by a person over the age of 18 years.
5. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
6. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
7. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
8. Under 18's events will not take place without prior consultation with the Police and Licensing Authority.
9. Under 18's events will not take place at the premises.
10. No persons under the age of 18 years will be allowed on the premises after (time) unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority.
11. The premises will operate a "Challenge 25" proof of age policy.
12. The premises is to maintain a refusals book/record to record the details of incidents where a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the book make a record of these checks. The book must be made available to a Police Constable/Authorised Officers of the Licensing Authority on request.
13. Any person who is authorised to sell alcohol at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on how to prevent underage sales and any other relevant matters. A written record will be kept of all training provided and this record will be kept on the premises for inspection by any Responsible Authority.
14. No persons under the age of 18 years to operate the self-serve pumps at any time.

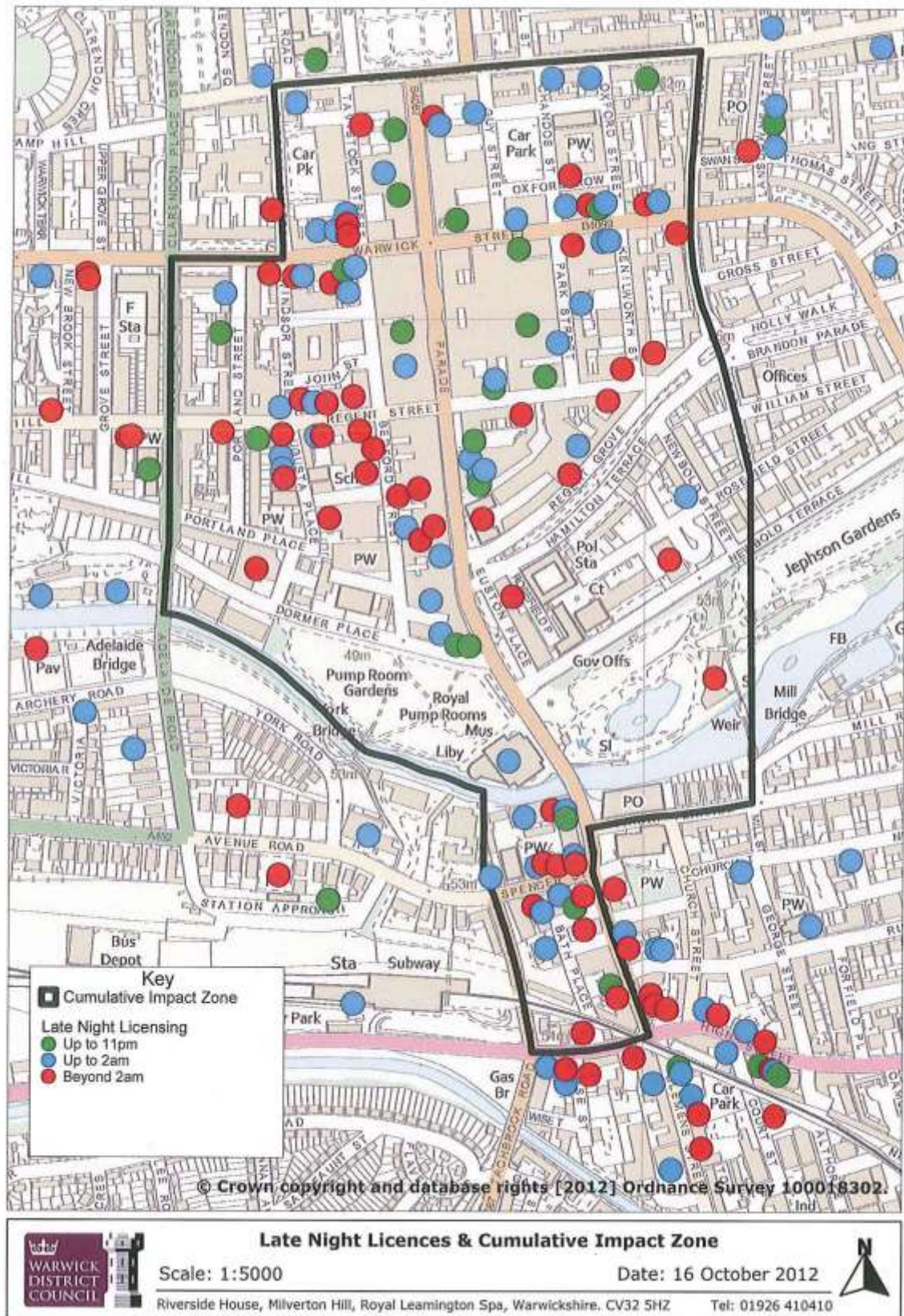
The above are generic conditions that applicants may wish to include within their application to speed up any discussions with the relevant responsible authorities. The use of these conditions does not guarantee the granting of a premises licence. Each application will be assessed on its own merits and in the context of its location and potential to impact on the licensing objectives. Additional conditions, or amendments to these model conditions, may be necessary in order to uphold the four licensing objectives. These model conditions are

not exhaustive and do not prevent you from volunteering any alternative measures that you believe are more appropriate for your particular premises.

Applicants will also need to consider whether their premises falls with any designated cumulative impact zones (CIZ) as higher standards will be applied.

For premises licences relating to outdoor music events, festivals, etc. applicants are encouraged to read the guidance provided by Warwick District Council's Safety Advisory Group (SAG) for information on planning their events. This can be found at: www.warwickdc.gov.uk/safetyadvisorygroup

APPENDIX 2 – Cumulative Impact Zone



APPENDIX 3 - 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 484226
Email: southwarksliquorlicensing@warwickshire.pnn.police.uk

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

Tel: 01926 423231
Email: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCIES 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

Health and Safety Executive – Birmingham Office
19 Ridgeway
9 Quinton Business Park
Quinton
Birmingham
B32 1AL

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Safer Communities 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:

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

Tel: 01926 456705

Email: Licensing@warwickdc.gov.uk

AUTHORITY RESPONSIBLE FOR PLANNING:

Manager, Development Services
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:

Strategic Commissioning People Group
Building 2, Saltisford Office Park
Ansell Way
Warwick
CV34 4UL

Tel: 01926 410410

E-mail: licenseapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Divisional Trading Standards Officer
Warwickshire Trading Standards
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414040

Email: tradingstandards@warwickshire.gov.uk

NATIONAL HEALTH SERVICE/PUBLIC HEALTH:

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

Email: phadmin@warwickshire.gov.uk