

## Licensing Panel

Thursday 4 October 2012

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A Licensing Panel will be held in the Town Hall, Royal Leamington Spa, on Thursday 4 October 2012 at 2.00 pm.

Membership: Councillors Illingworth, Gill and Mrs Knight

### Agenda

1. **Emergency Procedure**

At the commencement of the meeting the emergency procedure for the Town Hall will be announced.

2. **Appointment of Chairman**

To appoint a Chairman for the meeting.

3. **Declarations of Interest**

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

Declarations should be entered on the form to be circulated with the attendance sheet, and declared 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. In the event of an interest being prejudicial, Members are reminded that they must withdraw from the room or chamber whenever it becomes apparent that the matter is being considered, unless a dispensation has been obtained from Standards Committee. **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.**

4. **Application for a premises issued licence under the Licensing Act 2003 for the Assembly, Spencer Street, Royal Leamington Spa**

To consider a report from Community Protection.

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Published 26 September 2012

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

**Telephone: 01926 412656**

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**E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)**

**For Enquires regarding the specific reports please contact the named officer for the individual report.**

**Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)**

**Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 412656 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.**

**THE AGENDA IS AVAILABLE IN LARGE  
PRINT ON REQUEST, PRIOR TO THE  
MEETING.**



Licensing Panel  
4<sup>th</sup> October 2012

Agenda Item No.  
4

<b>Title</b>	Application for a premises issued licence under the Licensing Act 2003 for the Assembly, Spencer Street, Leamington Spa
<b>For further information about this report please contact</b>	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk
<b>Service Area</b>	Community Protection
<b>Wards of the District directly affected</b>	None
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A
<b>Background Papers</b>	None

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	11/09/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	11/09/2012	Councillor Coker
<b>Consultation Undertaken</b>		
N/A		
<b>Final Decision?</b>	Yes	

## 1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol and provide regulated entertainment and late night refreshment must hold a premises licence.

## 2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report, and decide whether the application for a premises licence should be approved, and, if so, whether it should be subject to any conditions.

## 3. REASONS FOR THE RECOMMENDATION

- 3.1 Rebecca Kathryn Pomeroy has applied for a premises licence for Assembly, Spencer Street, Leamington Spa to permit the following:

- *The sale of alcohol on the premises*

Sunday to Wednesday	10:00 to 00:00 (midnight)
Thursday	10:00 to 02:00
Friday and Saturday	10:00 to 03:00

- *The sale of alcohol off the premises*

Seven days a week	10:00 to 23:00
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- *Plays, Films, Indoor Sporting Events, Boxing or Wrestling, Live Music and Recorded Music (all indoors only)*

Seven days a week	10:00 to 00:00 (midnight)
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- *Performance of dance*

Seven days a week	10:00 to 23:00
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- *Late night refreshment*

Seven days a week	23:00 to 00:00 (midnight)
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- *The opening hours are shown as:*

Sunday	10:00 to 00:00
Monday to Wednesday	10:00 to 01:00
Thursday	10:00 to 02:30
Friday and Saturday	10:00 to 03:30

- 3.2 An operating schedule, which would explain any steps to be taken by the applicant to promote the four licensing objectives has been submitted as follows:

## **General**

There must be a training programme in force to ensure all staff are briefed on the licensing objectives.

No underage drinking, drunkenness, the use of drugs, or violent or anti-social behaviour will not be tolerated.

Staff training records must be maintained and available for inspection on request by an authorised officer.

## **The Prevention of Crime and Disorder**

Internal and external lighting must be checked regularly.

Door supervisors must start no later than the start of the event on dates when required.

When live bands are playing, door staff must always be employed unless prior agreement has been received by Warwickshire Police a minimum of 14 days before the event. A full risk assessment must accompany the requested permissions.

When the premises are operating as a night club, whether for payment or otherwise, door staff must be employed during the duration of the event. With all other events the DPS must make full professional risk assessments on whether door supervisors must be employed

CCTV must be installed, maintained and used whilst licensable activities are taking place. The CCTV must include Head and facial recognition coverage; must be digitally recorded and retained for a minimum of 31 days.

At least one member of staff must be on duty at all times who can operate, access and download the images upon the request of an authorised officer.

Images will record in real time a minimum of 12 frames per second. The System and the camera locations must be agreed and signed off by the Warwickshire Police Architectural Liaison Officer.

Membership of local Police approved Pubwatch scheme must be maintained and the premises must conform to its requirements and radio procedure.

## **Public Safety**

A member of staff who has been trained in first aid will be on duty at all times premises open to public.

A Health and Safety risk assessment must be carried out regularly and records must be kept and maintained.

A fire risk assessment must be carried out weekly.

The DPS to make risk assessments depending on the event taking place as to whether to use plastic/polycarbonate glasses instead of glass

No open vessels must be permitted to be removed from premises at any time.

## **The Prevention of Public Nuisance**

All staff must be trained to ensure quiet departure of patrons.

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The balcony rail must be of sufficient height and standard to prevent injury and objects being knocked from it. The height of the rail must satisfy Warwickshire Police Architectural Liaison Officer.

Any noise arising from activities within the premises, when measured one metre from the facade of any noise sensitive premises, shall not be such as to constitute a statutory nuisance.

All windows and doors shall be closed (except for access and egress) when any regulated entertainment takes place within the premises and, in any case, after 23:00 (The main external doors may be excluded from this requirement only if suitable arrangements are included in the sound insulation scheme below by which noise breakout from the premises is avoided).

No regulated entertainment shall be audible in any residential accommodation within the general structure of the premises of which The Assembly forms part or any residential premises within adjoining premises.

No regulated entertainment shall take place until a scheme of noise insulation, drawn up by a suitable acoustic expert, has been implemented to the satisfaction of the licensing authority.

### ***The Protection of Children from Harm***

Sufficient staff must be on duty to ensure the protection of children from harm. Children must be accompanied by a responsible person adult. No children must be permitted at the bar serveries.

No one under 18 years of age must be permitted in premises after 20:00 without the express permission and knowledge of the DPS or someone acting under his or her authority.

When the premises is open to the public by payment or otherwise as a disco or nightclub, no persons under 18 years must be permitted in the premises.

Any identification seized by the venue for being or suspected to being false will be seized under the provisions of the current Home Office guidance and handed to local Police station within 72 hours of seizure.

3.4 Representations against the application have been received from Environmental Health (**Appendix 1**) and Warwickshire Police (**Appendix 2**) as Responsible Authorities

3.5 *For information only*, the premises currently holds a premises licence issued under the Licensing Act 2003 permitting:

- *Sale of Alcohol for Consumption On the Premises*

Monday to Wednesday	10:00 to 00:30
Thursday	10:00 to 01:00
Friday and Saturday	10:00 to 02:00
Sunday	10:00 to 00:00

- *Live Music (Indoors only)*

Monday to Saturday	10:00 to 00:30
Sunday	10:00 to 00:00

- *Recorded Music and Provision of facilities for dancing (Indoors only)*

Monday to Wednesday	10:00 to 00:30
Thursday	10:00 to 01:00
Friday and Saturday	10:00 to 02:00
Sunday	10:00 to 00:00

- *Performance of Dance (Indoors only)*

Monday to Sunday            10:00 to 23:00.

*Indoor sporting events; Plays; Films; Boxing or wrestling; Provision of facilities for making music; Other Activities of a similar description to that of live music, recorded music or performance of dance and the provision of entertainment facilities of a similar description to that of making music and dancing (All Indoors only)*

Monday to Sunday            10:00 to 00:00

- *Late night refreshment (Indoors)*

Monday to Sunday            23:00 to 00:00

- *The opening hours of the premises*

Monday to Wednesday      10:00 to 01:00

Thursday                      10:00 to 01:30

Friday and Saturday        10:00 to 02:30

Sunday                         10:00 to 00:00

3.6 These premises are contained within the Council's Cumulative Impact Area which is contained within the Licensing Policy adopted by Warwick District Council. This being the case, the burden of proof is with the applicant to show that the application will not impact on the four licensing objectives; it is not for the representors to prove that it will.

3.7 **IMPORTANT NOTE:** From the 1<sup>st</sup> October 2012, the Live Music Act 2012 came into force. This means that the provision of facilities for making music and dancing are no longer licensable activities, so they have not been included in this report.

**ALSO:** Between the hours of 08:00 and 23:00, when amplified live music is taking place to an audience of less than 200 people; or when unamplified live music is taking place to any number people, all licensing conditions applicable to the control of live music on premises licences are deemed not to be in operation. This applies only to live music NOT recorded music.

3.6 A plan of the area is shown as **Appendix 3**

3.7 When considering the application the panel must give appropriate weight to:-

- a) The representations received.
- b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- c) The Council's Licensing Policy Statement (**Appendix 4**).
- d) The Licensing Objectives, which are:-
  - i) The Prevention of Crime and Disorder.

- ii) Public Safety.
- iii) The Prevention of Public Nuisance.
- iv) The Protection of Children from Harm.

However, it should only consider those licensing objectives which have been referred to in the representations received.

3.8 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.

3.9 Details of the procedure adopted by the Licensing Committee for Panel Hearings has been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

#### 4. **ALTERNATIVE OPTION CONSIDERED**

4.1 No alternatives may be considered.

#### 5. **BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

#### 6. **POLICY FRAMEWORK**

6.1 None

#### 7. **BACKGROUND**

7.1 None.