

 <b>Licensing &amp; Regulatory Committee</b> <b>15 January 2018</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for a premises licence issued under the Licensing Act 2003 for The Assembly and Zephyr Lounge, Spencer Street, Royal Leamington Spa, CV31 3NE	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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>Equality Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	3/1/2018	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

## 1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence for The Assembly and Zephyr Lounge, Spencer Street, Royal Leamington Spa, CV31 3NE.
- 1.2 A representation has been received in relation to this application for the consideration of the panel in the determination of the application.

## 2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a premises licence at The Assembly and Zephyr Lounge, Spencer Street, Royal Leamington Spa should be granted and, if so, whether the licence should be subject to any conditions.
- 2.2 When considering the application 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 6)
  - d) The Licensing Objectives, which are:-
    - i) The Prevention of Crime and Disorder.
    - ii) Public Safety.
    - iii) The Prevention of Public Nuisance.
    - iv) The Protection of Children from Harm.

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

- 2.3 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.
- 2.5 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. **Reasons for the Recommendation**

- 3.1 Alchemy Leamington Limited applied for a premises licence for The Assembly and Zephyr Lounge, Spencer Street, Royal Leamington Spa on 22 November 2017. The premises licence is for a multi-function venue covering Zephyr Lounge, which comprises of a bar and stage with a separate bar at the rear of the venue. On the first floor, known as The Assembly, there is a large dance floor, stage and three bars. Above The Assembly there is a gallery with a further small bar. This licence, if granted, would cover all the above areas.

Details of the hours applied for are attached as appendix 1. Plans submitted with the application are attached as appendix 2 and coloured copies of these will be made available at the licensing panel.

- 3.4 The Assembly has been licenced with Warwick District Council since 2007. This licence was surrendered in 2014 when a new premises licence application was submitted to incorporate The Zephyr Lounge. The premises has been operating as The Assembly and Zephyr Lounge since January 2014.
- 3.3 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

*General*

Training programme in place to ensure all staff are briefed on the licensing objectives.

No underage drinking or drunkenness on the premises or outside of the premises.

The use of drugs, 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.

*Prevention of Crime and Disorder*

Internal and external lighting will be checked regularly.

The premises will operate a zero tolerance policy against drugs.

Customers found with or using drugs will have them confiscated, their details taken and police called or notified as appropriate.

The premises must have a full incident recording system, where all incidents are recorded, whether any of the emergency services have been called or not and to be made available for inspection on request by an authorised officer.

The overall capacity of the premises must not exceed(tbc) with the ground floor bar area restricted to a maximum number of (tbc).

The sale of alcohol after 23:00hours shall only be made if it is ancillary to the provision of regulated entertainment and/or provision of late night entertainment.

There must be a personal licence holder on the premises every evening the premises is open beyond 21:00hours.

The premises will be an active member of Leamington Pubwatch or similar locally approved Pubwatch scheme. The premises will conform to its policies and procedures.

The premises will be an active member of the locally approved retail radio scheme and conform to its policies and procedures.

The premises licence holder must produce a Training Policy applicable to all staff utilised at the premises for roles involving direct contact with the public, or the sale or supply of alcohol to any person. All such staff and contractors shall be trained in relation to the following matters:-

- Prevention of underage sales
- Recognition and prevention of drunkenness
- Drug awareness
- Conflict management
- Crime prevention.

The delivery of the training must be recorded and that record must be available for inspection upon request at any reasonable time by any responsible authority.

All Persons involved in the sale or supply of alcohol on the premises will be subject to the training referred to above.

A CCTV policy shall be proposed by the licensee and shall be approved by Warwickshire Police in writing and thereafter implemented as approved at all times throughout the duration of the licence. That Policy shall include as a minimum the following requirements:-

- CCTV Cameras will be situated at all public areas and entrances of the premises. Warwickshire Police will have the right to nominate other locations for CCTV cameras in accordance with their identification of a justifiable risk.
- The CCTV system for the premises must be installed to the approval given in writing of the Warwickshire Police crime reduction specialist.
- Plans indicating the position of the CCTV cameras must be submitted to the Police.
- Any area of the premises where a CCTV camera is located shall be sufficiently illuminated for the purposes of recording clear images or alternatively, cameras of sufficient specification to record clear images in reduced lighting areas
- Monitors will be situated within a secure location.
- CCTV must be in operation and recording continuously at all times that premise open to the public.
- All CCTV recorded images will have sufficient clarity, quality and definition to enable facial recognition for evidential identification purposes.
- CCTV will be kept in an unedited format for a minimum period of 28 days.
- Where CCTV is recorded on to a hard drive system, the hard drive system must have a minimum of 28 day 'roll-over' recording period.
- CCTV will be maintained on a regular basis and kept in good working order at all times.
- CCTV maintenance records must be kept with details of the contractor(s) engaged and the work carried out by them.
- Where CCTV is recorded on to a hard drive system any DVDs subsequently produced shall be in a format such that they can be played back on a standard personal computer or standard DVD player.
- Where the recording is on a removable medium (i. Compact disc, flash card etc.), a secure storage system to store those recording mediums must be provided.
- A minimum of one member of staff to be trained in the use of the CCTV equipment. They must be able to produce and/or download and/or burn CCTV images upon request by any responsible authority and must be on site at all times that the premises are open to the public.

When live bands are playing, door staff will be required, unless prior agreement with Warwickshire Police and on production of a full risk assessment a minimum of 14 days prior to event. Warwickshire Police will have the right of veto on reasonable grounds.

When the premises are open to the public in the form of a nightclub / disco, whether on payment or otherwise, SIA door supervisors will be required.

On the nights required, door supervisors will be on duty from the start of the event until closure.

License holder will be responsible for the management and control of any queue for the venue.

Door supervisors to be employed on Christmas Eve and New Years Eve from 21.00hours until close.

DPS to make professional on going written risk assessments as to whether to employ door supervisors at any other times. The risk assessment will be made available for inspection to any of the responsible authorities on reasonable request.

A register shall be maintained of all security staff containing following details :-

- Full name and date of birth
- Name of security company
- SIA badge number

The register must be made available for inspection by any responsible authority on reasonable request.

All door supervisors working on external entrances to the premises will wear high visibility jackets.

The licence holder must produce a Drugs Policy, which will be submitted to Warwickshire Police for approval in writing, and thereafter implemented at all times. This Policy may be changed from time to time by written agreement with Warwickshire Police. That Policy shall include as a minimum the following requirements:-

- Persons suspected of being drug dealers are not to be permitted access to the event.
- Persons suspected of drug dealing upon the premises are to be immediately ejected.
- The licensee, DPS and all staff are to have a zero tolerance policy regarding the use of drugs on the premises.
- Effective procedure for the management, storage and hand-over to the Police of any drugs seized or found on the premises.
- Displaying of prominent signs indicating that the event operators have a zero tolerance policy regarding the use of drugs on the premises.
- The content of signs being displayed to include advice and enforcement information.
- An effective procedure for regular checks and recording of any locations where drug taking or supplying is likely or suspected.

There will be bound books held at the central security office on the premises, under the responsibility of the designated Security Manager for the purposes of recording incidents that take place on the premises. All incidents involving violence, drugs, disorder, weapons, illness requiring medical attention and ejections shall be recorded as soon as practicable in the incident book.

Any incident book must be made available for inspection to an officer of a responsible authority upon request.

No person who is drunk is to be permitted to gain entrance to the premises.

Alcohol must not be served to any person who is drunk.

No open vessels to be removed from the premises at anytime, on or off sales.

DPS must make on going professional risk assessments as to whether to implement a "no glassware" policy at any time dependant on event taking place.

A first aid trained member of staff who has a recognised current qualification must be on duty at all times the premises are open to the public.

A fire strategy and management control procedure is to be prepared and must be available for inspection by any responsible authority on reasonable request.

The strategy and procedure shall thereafter be complied with at all times.

Any outside smoking areas must be monitored and controlled by venue.

Any patron wishing to smoke will egress and enter the premises by the door marked D on the plan to smoke at rear of premises.

All windows and doors must be closed after 23.00hours save egress or entry.

All windows and doors will be closed (save entry or egress) when any regulated entertainment takes place, unless suitable sound insulation is in place to prevent noise break out, to the satisfaction of approved district council Environmental Health Officer.

Entrance and egress to and from the ground floor premises (Zephyr) will be via the door marked DG4 on the plan and after 23:00hours via doors DG4 and DG7.

When the ground floor is open as part of the whole venue, entrance and egress will only be via the main doors to The Assembly.

A dispersal policy is to be submitted to the Licensing Authority and Warwickshire Police for approval in writing, and thereafter implemented in full. The dispersal policy shall include as a minimum, a plan and deployment strategy for moving visitors away from the premises quickly and quietly and with minimum disturbance to local residents.

Notices shall be displayed close to all exit/entrance doors of the premises reminding patrons of the residential area and advising them to leave quietly.

The licence holder must produce an age policy, which will be submitted to Warwickshire Police for approval in writing and thereafter implemented at all times. This policy may be changed from time to time by written agreement with Warwickshire Police. That policy shall include as a minimum the following requirements:-

- Effective procedures on clear pre-event advertising when event age specific.
- Clear marking on tickets when event age specific.
- Effective procedures for challenge 25 policy.
- Effective procedures for all staff on age verification.
- Effective welfare procedures to deal with any persons under 18 years of age that attempt entry.
- Effective procedures for removing any person under 18 years of age from an event and welfare thereon.
- Effective procedures on dealing with the seizure of fake/false ID.
- Effective procedures for any refusals records to be maintained.
- Effective procedures and qualifications for chaperones.

When the premises are open to the public in the form of a nightclub/disco, whether on payment or otherwise, no persons under the age of 18 years will be allowed on the premises.

At any other time any person under the age of 18 years on the premises must be accompanied by a responsible adult who has attained the age of 18 years or over.

#### *Public Safety*

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

Health and safety risk assessments must be carried out regularly and records must be kept and maintained.

A fire risk assessment must be carried out weekly and staff trained in the event of an emergency.

Balcony rail to be of sufficient height and standard to prevent injury and objects being knocked from a height to satisfy the Warwickshire Police Architectural Liaison Officer.

A professionally prepared fire risk assessment will be produced which will propose maximum numbers which will thereafter be agreed with Warwickshire Fire Service and West Midlands Police and become the maximum number for the premises and such capacity will not be exceeded, provided always that such number may be varied upwards or downwards by agreement with Warwickshire Fire Service and Warwickshire Police.

All windows and doors to be closed after 23:00hours (except for access and egress).

#### *Prevention of Public Nuisance*

The premises licence holder will comply with any reasonable requirements as to noise made during the event by the appropriate Responsible Authority and shall ensure the conduct of patrons leaving premises will be supervised and

monitored to minimise potential nuisance. Similarly, conduct of the general public in the vicinity will be monitored and the Police advised of inappropriate behaviour/unlawful activity.

Noise arising from activities within these premises, when measured one meter 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. (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 and following completion from a suitably qualified acoustic expert, confirming implementation of the approved scheme.

#### *Protection of Children*

Sufficient staff must be on duty to ensure the protection of children from harm. All members of staff shall be fully trained in child sexual exploitation and this will be refreshed every 12 months and records kept.

The premises licence holder shall adopt the Challenge 25 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar server.

The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry to the premises who appears to be under 25 years of age will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.

No one under 18 years of age in the premises after 20:00hours without the express permission of the DPS or someone acting under his/her authority.

3.4 The Licensing Department has received a representation from a local resident. This representation is attached as appendix 3.

3.5 Conditions have been agreed with Warwickshire County Council Children's Services who act as the body responsible for the protection of children from harm. These conditions are as follows:

1. No persons under the age of 18 years shall be admitted to the premises if the premises licence holder decides to exercise his/her right to put on adult entertainment as is allowed by statute.
2. When a children's event takes place all children must be accompanied by an adult. Each adult must not have more than six children to supervise and all alcoholic products shall be supervised so as to ensure children do not have access to them.
3. All management attending children's events must have a clear DBS check.
4. All windows and doors shall be closed (except for access and egress) when any regulated entertainment takes place within the premises.
5. Prominent notices shall be in place at all entrances and exits reminding customers to respect neighbours and to leave quietly. Also door staff

shall reinforce such notices verbally to all customers as they leave the premises.

3.6 No representations have been received from:

- Fire Authority
- Warwickshire Police
- Trading Standards
- Environmental Health
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health

3.6 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

3.7 A map of the area is attached as appendix 4 and photographs of the area are attached as appendix 5.

#### 4. **Policy Framework**

##### 4.1 **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. This report shows the way forward for implementing a significant part of one of the Council's 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
<b>External</b>		
<b>Health, Homes, Communities</b>	<b>Green, Clean, Safe</b>	<b>Infrastructure, Enterprise, Employment</b>
<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> 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



<b>Impacts of Proposal</b>		
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.

<b>Internal</b>		
<b>Effective Staff</b>	<b>Maintain or Improve Services</b>	<b>Firm Financial Footing over the Longer Term</b>
<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
<b>Impacts of Proposal</b>		
None	None	None

## 4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

## 5. Budgetary Framework

- 5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

## 6. Risks

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 21 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.