

 Licensing & Regulatory Committee 14 June 2016		Agenda Item No. 3
Title	Application for a variation of a premises licence under the Licensing Act 2003 for Hickory's Smokehouse, Cromwell Lane, Coventry.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	27.5.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	27.5.2016	Moira-Ann Grainger
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a variation of a premises licence from Hickory's (ROS) Limited, Hickory's Smokehouse, Cromwell Lane, Coventry.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a variation of a premises licence for Hickory's Smokehouse, 216 Cromwell Lane, Coventry, should be granted and, if so, whether the licence should be subject to any further conditions.

3. **THE APPLICATION**

- 3.1 Hickory's (ROS) Limited applied for a variation of the premises licence for Hickory's Smokehouse, Cromwell Lane, Coventry on 27 April 2016.
- 3.2 The variation application has been submitted for the following:
- Layout change to include refurbishment and the erection of a single storey side / rear extension, including a veranda to the side / rear after partial demolition of existing extension.
 - Removal of the condition 'Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied:
 - (a) except alcohol sold or supplied with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - (b) for consumption by a person residing in the premises or their guest and paid for together with their accommodation;
 - (c) to a canteen or mess.
 - Inclusion of late night refreshment.
 - Modification of permitted hours for the supply of alcohol; and
 - Modification of the opening hours.
- 3.3 Full details of the variation to licensable activities are shown in the tables in appendix 1.
- 3.4 An operating schedule and conditions, which form part of the current premises licence, are as follows:

General

We are part of a neighbourhood watch scheme.
No happy hours to take place.

The prevention of crime and disorder

CCTV system in use and all staff training in licensing issues

Public Safety

Adequate training of all staff in fire evacuation and fire precaution measure.

The prevention of public nuisance

Noise limiter used on amplified music.

Windows to remain closed when amplified is to be played.

The protection of children from harm

Staff trained to ask for proof of age cards when serving persons who appear to look 18 or under.

Conditions

1. Supply of alcohol for consumption indoors only after 23:00 and outside area to be vacated by this time.

2. All doors and windows to be shut at 23:00 (except egress and entry) to reduce risk of nuisance to residents.

3. Any live or recorded music not be audible at the nearest elevation of any neighbouring residential premises.

3.5 Representations have been received from ten residents, these are attached as appendices 2 to 11. Of the representations received, six are objections and four support the application.

3.6 No representations have been received from:

- Fire Authority
- Authority Responsible for Environmental Health
- Warwickshire Police
- Enforcement Agency for Health and Safety.
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health
- Body responsible for the protection of children from harm
- Warwickshire County Council (Weights and Measures)

3.7 Under the Licensing Act 2003, there has been a premises licence, issued by Warwick District Council, in place at Hickory's Smokehouse since 2005. The premises have previously operated under the name 'The Peeping Tom'. Since the licence was issued by Warwick District Council there have been no complaints received by the Licensing Department.

3.8 A plan of the premises provided by the applicant will be made available at the hearing, a photo of the area is attached as appendix 12 and a map of the area is attached as appendix 13.

4. **POLICY FRAMEWORK**

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

- a) The representations received.
- b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- c) The Council's Licensing Policy Statement (attached as appendix 14)
- d) The Licensing Objectives, which are:-

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

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

- 4.2 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.3 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

5. **BUDGETARY FRAMEWORK**

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

6. **RISKS**

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