

Licensing and Regulatory Panel

Thursday 23 June 2022

A Licensing & Regulatory Panel will be held remotely on Thursday 23 June 2022 at **2:00pm**, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership: Councillors C Gifford, Illingworth and Syson

Agenda

1. **Apologies and Substitutes**

2. **Appointment of Chairman**

To appoint the Chairman of the meeting.

3. **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.

4. **Application for a variation of a premises licence received under the Licensing Act 2003 for The Shire Grill, Chesterton Drive, Sydenham, Royal Leamington Spa, CV31 1YJ**

To consider a report from Health and Community Protection

(Pages 1 to 4 and Appendices 1 - 11)

Published 15 June 2022

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

For enquiries about specific reports, please contact the officers named in the report. Details of all the Council's committees, councillors and agenda papers are available via our website on the [Committees page](#)

We endeavour to make all of our agendas and reports fully accessible. Please see our [accessibility statement](#) for details.

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

Licensing and Regulatory Panel
23 June 2022

Title: Application for a variation of a premises licence received under the Licensing Act 2003 for The Shire Grill, Chesterton Drive, Sydenham, Leamington Spa CV31 1YJ

Lead Officer: Amanda Allinson

Portfolio Holder: Cllr Judith Falp

Public report: Yes

Wards of the District directly affected: Leamington Willes

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Head of Service	15/06/22	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	14/06/22	Graham Leach
Legal Services	15/06/22	Sarah Sellers

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid variation of a premises licence to extend the licensable area for The Shire Grill, Chesterton Drive, Sydenham, Leamington Spa CV31 1YJ. Representations have been received in relation to this 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.

The following options are available to members:

Option 1 – Grant the application;

Option 2 – Grant the application with modified conditions by altering or omitting or adding to them , or;

Option 3 – Refuse the application.

3. Details for Consideration

- 3.1 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 11)
 - 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 Mr Shamsher Sahota submitted an application to vary the premise licence to extend the licensable area to cover the beer gardens and patios surrounding the premise, including the use of a marquee, on the 9th May 2022. This has been attached as appendix 1.
- 3.3 The Shire Grill currently holds a premises licence issued under The Licensing Act 2003 which permits live and recorded music (inside only) until 00:00 hours Sunday to Thursday and until 01:00 on Friday and Saturday. A copy of the current premises licence for The Shire Grill has been attached as appendix 2.

- 3.4 The Licensing Department has received objections from local residents. These are attached as appendices 3 and 4.
- 3.5 A further three objections were received from residents, however, following discussions between the residents and the applicant these have subsequently been withdrawn.
- 3.6 The Licensing Department also received an objection from Environmental Health. This is attached as appendix 5.
- 3.7 No representations have been received from:
- Fire Authority
 - The Licensing Authority
 - Authority Responsible for Planning
 - National Health Service/Public Health
 - Enforcement Agency for Health and Safety
- 3.8 Two photographs showing the location of the proposed extension (currently with a marquee) in relation to the existing building of The Shire Grill, the play area and the car park are attached at Appendix 6. An aerial view showing the location of the premises in relation to surrounding homes is attached as appendix 7. A plan of the premises submitted by the applicant is attached as appendix 8.
- 3.9 In response to Environmental Health, the agent acting on behalf of the applicant created a noise plan. This is attached at Appendix 10.
- 3.10 Environmental Health have submitted further correspondence regarding the application, this is attached as appendix 11.

4. Legal Comments

- 4.1 The Council's Statement of Licensing Policy 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 to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.2 The Live Music Act 2012 made changes to the Licensing Act 2003 with regard to regulated entertainment. The provisions in the Licensing Act 2003 (as amended) have the effect that where specified criteria apply recorded music and live music are not subject to conditions between the hours of 08.00 and 23.00.
- 4.3 Details of the procedure adopted by the Licensing and Regulatory 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.

- 4.3 All parties to the Hearing will be notified of the decision of the panel in writing within five working days of the conclusion of the hearing.
- 4.2 Any party aggrieved by a decision taken by the panel may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 4.3 The decision should take place in accordance with the agreed procedure.

5. Policy Framework

5.1. Fit for the Future (FFF)

- 5.1.1 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.
- 5.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

5.2 FFF Strands

5.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - 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.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - 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.

5.3 Internal impacts of the proposal(s)

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.

Capita ref 039201
rec'd 9/5/21 £190.

WDCPREM00081



Warwick
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@warwickdc.gov.uk
Telephone: 01926 456705

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

25,000

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?



Yes



No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?



Yes



No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

We wish to extend the Licensable Area of these premises to include the beer gardens and patios that surround the building as delineated in the revised plan of the exterior. NB Nothing will alter regarding the pre-existing interior of the premises.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?



Yes



No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?



Yes



No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

* No change - These hours are as per their current licence. *

Standard Days And Timings

MONDAY

Start 08:00

End 00:30

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 08:00

End 00:30

Start

End

WEDNESDAY

Start 08:00

End 00:30

Start

End

THURSDAY

Start 08:00

End 00:30

Start

End

FRIDAY

Start 08:00

End 01:30

Start

End

Continued from previous page...

SATURDAY

Start 08:00

End 01:30

Start

End

SUNDAY

Start 08:00

End 00:30

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Year's Eve: From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Continued from previous page...

The Shire Grill is a pre-existing successful business currently operating under a Premises Licence applied for by Marstons Pubs. The current management took over in March 2019. Our understanding is that since then, these premises have raised a zero footprint with the Responsible Authorities. Looking at the Home Office Police.UK crime-mapper, we believe there to be a low crime and ASB return for the location with no issues whatsoever identified with the premises. The grounds are also enclosed within a substantial fence of a length of 150 metres to obviate any trespassing issues.

This business strives to be an exemplar licensed premises in the County. They were awarded Indian Grill of the Year Award 2019 and Most Authentic Indian Grill 2020 in the Food & Drinks Awards, a Bronze Award in the Royal Leamington Spa in Bloom 2020, a Trip Advisor Travellers' Choice Award 2021, and recently was rated 5th in the Coventry Telegraph for great Indian restaurants in the region and possess over 100 positive reviews on Trip Advisor. In addition the business works with local charities such as Helping Hands and the Midlands Langar Seva Society, and regularly provide food to feed the homeless at Leamington's homeless shelter - LWS Night Shelter.

Like every hospitality business in the UK, the Shire Grill has suffered under the pandemic and ensuing COVID restrictions. However, they have come back from these severe difficulties intent upon extending their 'offer' to include a marquee that now sits adjacent to the building on its South aspect between the pub and the play area. The intention is to use this area for prestigious organised events such as conferences and small formal family celebrations such as weddings and significant birthdays. Such events will be ticketed or by invitation only.

The new marquee, albeit a temporary building, is completely enclosed and constructed of high quality materials. It stands at some distance from our site boundaries and any neighbouring residential dwellings. Coupling those facts with our intention to host only prestigious and quality events, and to manage them proactively and responsibly, we do not anticipate any disturbance to the peace and tranquility of the area. Moreover, we are offering additional Conditions which are specific, proportionate and enforceable in order to ensure that no Public Nuisance issues ensue and indeed all the four licensing objectives are promoted and not undermined in any way.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
2. The Premises Licence Holder or DPS must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.

e) The protection of children from harm

Continued from previous page...

NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Continued from previous page...

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/warwick/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



Premises Licence – Part B (To be displayed on the premises)

**The Shire Grill,
Chesterton Drive,
Leamington Spa,
Warwickshire,
CV31 1YJ.**

Premises Licence number **WDCPREM00081**

The times the licence authorises the carrying out of permitted licensable activities

Sale of Alcohol for Consumption On and Off the Premises

Monday to Thursday 10:00 to 00:00

Friday and Saturday 10:00 to 01:00

Sunday 11:00 to 00:00

Christmas Day: 11:00 to 23:00

New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Recorded Music (Indoors only)

Monday to Thursday 10:00 to 00:00

Friday and Saturday 10:00 to 01:00

Sunday 11:00 to 00:00

NOTE: 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.

New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Films (Indoors only)

Monday to Thursday 10:00 to 00:00

Friday and Saturday 10:00 to 01:00

Sunday 11:00 to 00:00

New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Indoor Sporting Events**Monday to Thursday 10:00 to 00:00****Friday and Saturday 10:00 to 01:00****Sunday 11:00 to 00:00**

NOTE: Between the hours of 08:00 and 23:00, when Indoor sporting events are taking place to an audience of less than 1000 people all licensing conditions applicable to the control of Indoor sporting events on this licence are deemed not to be in operation.

New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Performance of Dance (Indoors only)**Monday to Thursday 10:00 to 00:00****Friday and Saturday 10:00 to 01:00****Sunday 11:00 to 00:00**

NOTE: Between the hours of 08:00 and 23:00, when performance of dance is taking place to an audience of less than 500 people all licensing conditions applicable to the performance of dance on this licence are deemed not to be in operation. New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Live Music (Indoors only)**Monday to Thursday 10:00 to 00:00****Friday and Saturday 10:00 to 01:00****Sunday 11:00 to 00:00**

NOTE: 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.

New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Late Night Refreshment (Indoors only)**Sunday to Thursday 23:00 to 00:00****Friday and Saturday 23:00 to 01:00**

New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The opening hours of the premises**Sunday to Thursday 08:00 to 00:30****Friday and Saturday 08:00 to 01:30**

New Year's Eve, from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Premises licence Holder **Bass Partners Limited,
4 Station Avenue,
Tile Hill,
Coventry,
CV4 9HS.**

Registered number of holder **11791852**

*Designated Premises
Supervisor:*

Mr Shamsher Singh Sahota.



Lorna Hudson

Environmental Health and Licensing Manager

Community Protection,
Warwick District Council,
Riverside House,
Milverton Hill,
Royal Leamington Spa,
Warwickshire,
CV32 5HZ.

Telephone (01926) 456705

Email: licensing@warwickdc.gov.uk

Web Site: www.warwickdc.gov.uk

Date issued: Thursday, 28 April 2022

Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.

No open vessels may be removed from the premises save for consumption in any external area provided for that purpose and then only until 23:20.

CCTV must be installed to the current BS7958 standard and include head and facial recognition and be used at all times licensable activities take place. All recordings must be retained for 31 days and these to be accessible to an authorised officer within 24 hours of request.

The Prevention of Public Nuisance

Any live or recorded music not to be intrusive in adjoining premises or at the nearest elevation of any neighbouring residential premises.

All doors and windows must be shut from 23:00 (except for egress and entry).

All external areas must not to be used after 23:20.

Prominent, clear and legible notices must be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

The Protection of Children from Harm

Children under the age of 16 shall not be permitted to enter the premises after 22:00 hours.

Plans

See attached sheet.



Lorna Hudson

Environmental Health and Licensing Manager

Community Protection,
Warwick District Council,
Riverside House,
Milverton Hill,
Royal Leamington Spa,
Warwickshire,
CV32 5HZ.

Telephone (01926) 456705

Email: licensing@warwickdc.gov.uk

Web Site: www.warwickdc.gov.uk

Date issued: Thursday, 28 April 2022

Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

SHAMSHER SINGH SAHOTA.

Premises name and address:

THE SHIRE COTTAGE
GROVE MILL
CHESTERTON DRIVE
LEAMINGTON SPA CV31 14J

Application for a

~~VARIATION~~

Premises Licence..... ☐

Club Premises Certificate..... ☐

Application to vary an existing

FULL VARIATION. ✓

Premises Licence..... ☐

Club Premises Certificate..... ☐

Application Number

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 WOODCOCK

First name(s) PAUL.

Contact Tel no: [REDACTED]

Email address: [REDACTED]

Address (incl postcode): [REDACTED]

LEAMINGTON SPA

WARWICKSHIRE

CV31 14E.

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

☒

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

A TEMPORARY LICENSED EVENT TOOK PLACE ON THE 13TH APRIL WHICH DISTURBED THE WHOLE NEIGHBOURHOOD WHICH IN TURN PREVENTED ANY SLEEP UNTIL THIS FINISHED AT 11AM.

igned

ate

5-JUNE-22

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:

Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

SHAMSHER SINGH SAHOTA

Premises name and address: THE SHIRE GRILL

THE CRIST MILL

CHESTERTON DRIVE

LEAMINGTON SPA CV31 14J

Application for a

Premises Licence..... ☐

Club Premises Certificate..... ☐

Application to vary an existing

Premises Licence..... ☐

FULL VARIATION

Club Premises Certificate..... ☐

Application Number

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 WOODCOCK

First name(s) VICTORIA

Contact Tel no: [REDACTED]

Email address: [REDACTED]

Address (incl postcode):

[REDACTED]

LEAMINGTON SPA

WARWICKSHIRE

CV31 14E

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

- ☒ 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

A TEMPORARY LICENSED EVENT TOOK PLACE ON WEDNESDAY 13TH APRIL. THE LOUD MUSIC FROM THE PREMISES MADE OUR WINDOWS SHAKE & THE VIBRATIONS OF THE BASE SHOOK MY BED.

I ENTERED THE PREMISES AROUND 8-30AM & KINDLY ASKED FOR THEM TO TURN IT DOWN A LITTLE AS WE COULD NOT SLEEP ESPECIALLY AS MY ALARM WAS GOING OFF AT 2AM. ALL I GOT IN RETURN WAS VERBAL ABUSE.

THIS KIND OF BEHAVIOUR & NOISE IS COMPLETELY UNACCEPTABLE.

Signed.....

Date...1-6-22.....

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:

--

Variation to Premises Licence, The Shire Grill, Chesterton Drive, Leamington Spa, CV31 1YJ - ref WDCPREM00081

Environmental Health Representation in respect of Noise Nuisance

Background

A marquee has been erected in the grounds of the restaurant . The marquee came to the attention of Environmental Health because complaints were received in April 2022 regarding noise of music from Entertainment in the tent disturbing local residents

In May , Environmental Health were consulted by Licensing about a Temporary Event Notice received regarding an intended event in the tent on the night of 30th May 2022. Environmental Health were concerned about the potential for noise of music escaping from the tent and causing nuisance to local residents. Advice about preventing noise nuisance was given to the proprietors of the restaurant at a site meeting on 9th May 2022.

On 30th May 2022, Environmental Health Officers visited houses at Mather Croft and Bank Croft whilst the entertainment was taking place. At 9.20pm Noise of Bass , drumming and amplified announcements was audible on the street at the façade of houses around the junction of Mather Croft, Moncrief Drive and Bank Croft. The noise was audible a little way up Bank Croft. Returning to Mather Croft the noise became apparent in this street which runs along the southern boundary of the premises. The rear gardens of the houses adjoin the beer garden/car park . bedroom windows on the rear façade face the premises. Sound from the Marquee was apparent in the garden. The noise was intrusive into the first-floor rear bedroom where the sound of drumming, raised female voices cheering , amplified announcements could be heard with the window open and closed. This was around 10pm . It would have interfered with sleep in that bedroom. Officers met the proprietor at the car park gate and advised him of their observations.

The application

Currently the marquee, situated in the beer garden, lies outside the boundary of the licensed premises. A Temporary Event Notice is required for Entertainment in the marquee and Environmental Health can object to any entertainment we feel is likely to give rise to nuisance.

The applicant seeks to vary the Licence to include the beer garden and the marquee within the boundary of the licensed area of the premises. If the application is granted Temporary Event Notice would no longer need to be given for Entertainment in the marquee. This would deprive Environmental Health of the ability to object to or place conditions on ,those particular entertainments which we felt were likely to give rise to noise nuisance.

WE are further concerned that the existing premises licence , of which the tent would become part, allows musical entertainment after 11pm. If this existing licence was extended to cover the tent, then noise of amplified music and voices from the tent is very likely to cause nuisance after 11pm.

Environmental Health would ask that ,if the panel is minded to grant the application to incorporate the marquee within the Licensed Area suitable conditions are applied to prevent nuisance to local residents from entertainment noise escaping from the tent.

Environmental Health Recommended conditions for Entertainment in the Marquee and Beer Garden

- 1, Sound of music and amplified voices shall not be intrusive at the boundary of the premises.
2. The Premises Licence Holder or DPS must immediately comply with any request to adjust sound levels made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
- 3 There shall be a Noise Management Plan in place , which must include-
 - Noise Risk Assessment
 - Procedures and Control Measures for Noise
 - Bookings Policy
 - Briefings of Users/Entertainers on noise precautions
 - Monitoring of noise during events
 - Noise Complaints Procedures
4. No regulated entertainment shall take place in the Marquee or beer garden after 11pm.

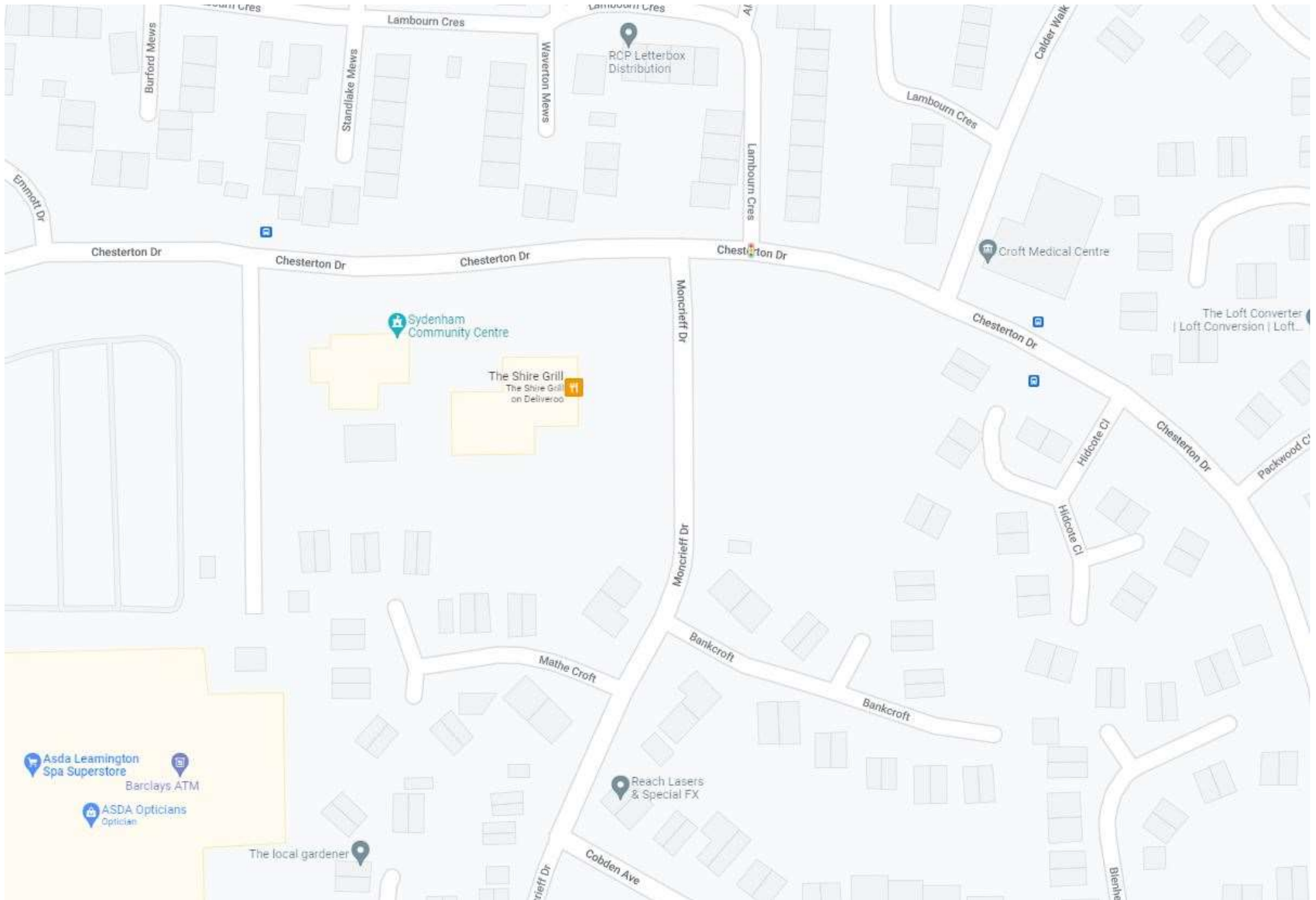
The above conditions to run alongside existing conditions in the premises licence.

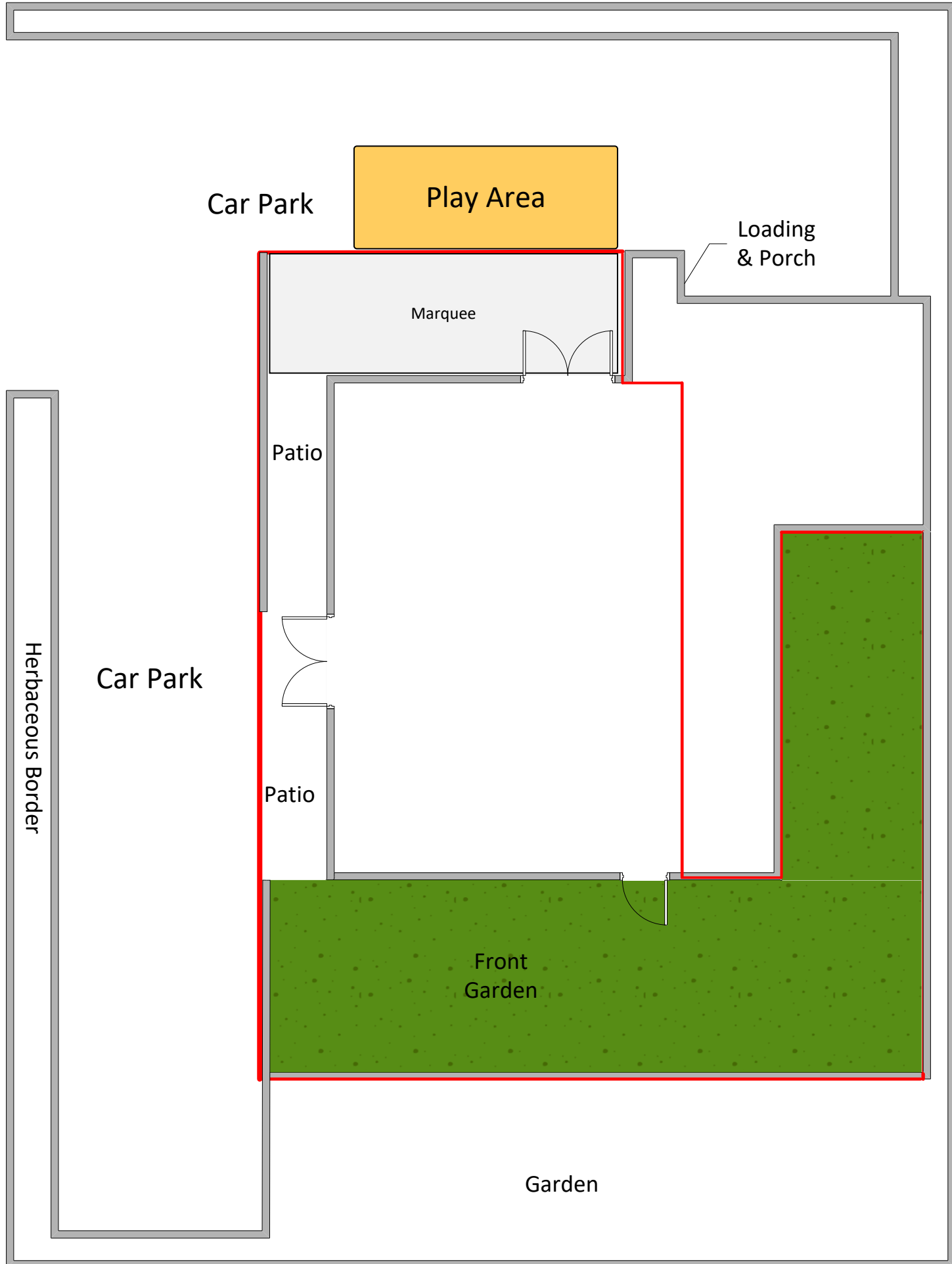
Peter Lawson BSc(Hons) MSc CMCIEH
Chartered Environmental Health Practitioner
Senior Environmental Health Officer
Warwick District Council

1st June 2022.

Pictures of The Shire Grill Marquee







— Licensable Activity & Consumption Area

Scale as per original plans held



STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2021 - 2026

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.

CONTENTS	Page
Introduction	3
Consultation	4
Fundamental Rights	5
Licensing Conditions	5
Operating Hours	6
Late Night Levy and Early Morning Restriction Order	6
Cumulative Impact	7
Promotion of the Licensing Objectives	8
Mandatory Licensing Conditions	12
Other Considerations	12
Best Practice Schemes	14
Integrating Strategies and Avoidance of Duplication	14
Enforcement	16
Administration, Exercise and Delegation of Functions	17
Comments on this policy	19

Appendix

1. Model Conditions
2. Responsible authorities List

STATEMENT OF LICENSING POLICY

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 2026. 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.

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

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.

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.

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.

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.

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 Council 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. Government 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 has not been presented with sufficient evidence to consider any area within the District to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.
- 7.3 The absence of a special policy does not prevent any responsible authority or any other party from making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration but the individual merits of each application must always be considered.

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, cooling, 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.

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. A full list of the mandatory conditions can be found on the Gov.uk website.

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 At the time of writing, The Warwick District Public Spaces Protection Order (PSPO) (Introduced by The Anti Social Behaviour, Crime and Policing Act 2014) are under review. Regardless of the outcome of the PSPO review the local authority must have regard to section 62 and 63 of the 2014 Act which limits what can be restricted in relation to alcohol. For example, where a PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as on licensed premises (or within its curtilage), premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol, or facilities or activities relating to the sale or consumption of alcohol which are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses). Section 63 makes it an offence only when a person refuses or fails to comply with a reasonable requirement from an authorised person not to consume or surrender alcohol.

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.

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

12.6 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.

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.

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.

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 Data Protection Act 2018.
 - g. Signed off by Warwickshire Police Design Out Crime 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. Toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) to be used in the outside areas of the premises.
24. Toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) will be used when requested by Warwickshire Police.
25. Drinks must only be served in toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) 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. Challenge 25 policy promoted on business website.
3. 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.
4. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
5. All deliveries of alcohol must be made by a person over the age of 18 years.
6. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
7. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
8. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
9. Under 18's events will not take place without prior consultation with the Police and Licensing Authority.
10. Under 18's events will not take place at the premises.
11. 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.
12. The premises will operate a "Challenge 25" proof of age policy.
13. 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.
14. 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.

15. 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 – 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

From: The Licensing Guys [Licensing] <licensing@thelicensingguys.com>
Sent: 02 June 2022 11:14
To: Licensing
Cc: Peter Lawson; theshiregrill@outlook.com
Subject: FW: Shire Grill EHO Conditions
Attachments: Environmental Health Representation Variation to Premises Licence The Shire Grill.pdf; 63-22 Shire Grill, LEAMINGTON - NOISE MANAGEMENT PLAN 2022 v2.docx

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk

Dear Licensing,

We have recently received this document with regard to our current application for a Variation to the Premises Licence of the Shire Grill.

Having read its content, we are pleased to accept the proposed Conditions of Mr LAWTON, thus dealing with the contents of the EH Representation in its entirety.

Consequently we believe that the EH Representation can be withdrawn, and would be grateful if you could confirm this to be the case.

Please also find attached the Noise Management Plan that we composed as a result of the advice and guidance provided by Mr LAWTON at the time of his site visit.

If it can be added to the case papers, we would be obliged.

Kind Regards

Nick SEMPER

Director

TL Guys Ltd

t/a The Licensing Guys

W: 01432 700024

M: 07890 105387

licensing@thelicensingguys.com

the
LICENSING
GUYS



SHIRE GRILL NOISE MANAGEMENT PLAN

Introduction:

As professional operators we acknowledge that we have a primary responsibility to ensure that our premises do not generate excessive noise disturbance. The purpose of this Noise Management Plan is to detail the procedures we adopt to ensure, as far as possible, the minimisation of disturbance to local residents by activities in and around the Shire Grill, LEAMINGTON SPA.

Our aim is to adopt the best practicable options to ensure that the conditions of the Licensing Act 2003 are met. This plan has been developed to prevent public nuisance and meet the licensing objectives under the Licensing Act 2003. The plan has been designed to minimise any adverse impact on the neighbourhood and natural environment.

With the Noise Management Plan, we have the following in place:

- Robust procedures re noise management at the Shire Grill.
- An ongoing and proactive monitoring process.
- A detailed list of steps taken to manage the risks of noise pollution.
- A detailed complaints investigation system.
- A phone number available to members of the public to contact the venue direct if there are any complaints.

Overview

Shire Grill is located on Chesterton Drive, Sydenham, LEAMINGTON SPA CV31 1YJ.

The Shire Grill is an Indian Restaurant sited within a purpose-built former public house which sits within its own grounds. These consist of paved patio areas on three sides including a play area to the South aspect, which are further bound by extensive carparking provision. Beyond that is an expanse of grass and trees on all sides, and the grounds are enclosed by a 150 metre security fence that meets the public footpath and highway to the North and East. To the West, the premises is adjacent to Sydenham Social Club. To the South are the rear gardens of dwellings – some 40 metres from the premises. In the past, a speaker system was employed to provide recorded music to the patio areas, but this equipment no longer in use.

A marquee has recently been added to the business, on a paved patio area to the South of the building, between the building line and play area. Although a temporary structure, per se, the intention of the premises licence holder is to incorporate it permanently within their business offer. It is constructed of quality materials.

Within the marquee the Premises Licence Holder wishes to cater for small family celebrations and parties with a capacity of no more than 70 customers. The intention is to provide occasional live and recorded music on a temporary basis, utilising modest arrangements of portable equipment. The marquee is not fitted with a permanent PA system. This would be within the provisions of the Live Music Act(s) i.e., never for over 500 people and between the time parameters of 08:00 to 23:00hrs.

The scale of the marquee makes large musical or entertainment events impossible, due to the size of the marquee, coupled with the fact that this structure would also have to accommodate seating and tables for the guests using the marquee.

The applicant is aware that there is some nervousness amongst local residents that the provision of live and recorded music and therefore has devised this Noise Management Plan in order to manage any such potential issues around noise or vibration break out from the marquee.

Noise Management Responsibilities

Ultimate responsibility for Noise Management at the Shire Grill vests in the Premises Licence Holder, which is Bass Partners Limited. Day to day management of the premises lies with Shamsheer SAHOTA and Sukhraj HEER, both being experienced restaurateurs, and therefore 'ownership of any problem lies' with them.

In terms of the Licensing Act 2003 and the legal responsibilities regarding the Prevention of Public Nuisance Licensing Objective, the Designated Premises Supervisor charged with the day-to-day management of the licensing operation of the premises is also Shamsheer SAHOTA. He is more than competent and conversant with his role and responsibilities as DPS under the LA'03.

Event Noise Sources

We will adopt a series of controls that obviate the risk of Noise Nuisance during the entire event process i.e. from point of Booking to point of Dispersal.

The identification of the range of potential noise sources relating to the premises:

Hazard	Risk	Controls
Excess noise from Live or Recorded Music	Disturbance to nearby Noise Sensitive Receptors	<p>BOOKINGS – ONLINE</p> <p>The company website will set out clearly that</p> <ul style="list-style-type: none"> • The use of the marquee is unsuitable for loud live or recorded music events, and • it is limited to a terminal hour of 23:00hrs for live and recorded music, and • Use of the marquee for same with be at the discretion of the premises licence holder, and • Ultimate responsibility, control, levels and content of any live & recorded music provided in the marquee remains with the premises licence holder, and • Use of the marquee for live and recorded music will be subject to pre-agreed terms and conditions set by the premises licence holder. <p>BOOKINGS – IN PERSON</p> <p>Any staff member of the Shire Grill taking a booking for the marquee will set out clearly that</p> <ul style="list-style-type: none"> • The use of the marquee is unsuitable for loud live or recorded music events, and • it is limited to a terminal hour of 23:00hrs for live and recorded music, and • Use of the marquee for same with be at the discretion of the premises licence holder, and • Ultimate responsibility, control, levels and content of any live & recorded music provided in the

		<p>marquee remains with the premises licence holder, and</p> <ul style="list-style-type: none"> • Use of the marquee for live and recorded music will be subject to pre-agreed terms and conditions set by the premises licence holder. <p>PRE-BRIEFINGS</p> <p>Prior to any event taking place, the organiser and any entertainer involved in the provision of live or recorded music will be reminded that:</p> <ul style="list-style-type: none"> • The use of the marquee is unsuitable for loud live or recorded music events, and • it is limited to a terminal hour of 23:00hrs for live and recorded music, and • Use of the marquee for same will be at the discretion of the premises licence holder, and • Ultimate responsibility, control, levels and content of any live & recorded music provided in the marquee remains with the premises licence holder, and • Use of the marquee for live and recorded music is subject to pre-agreed terms and conditions set by the premises licence holder. <p>TERMS and CONDITIONS</p> <p>A document containing the terms and conditions of the use of the marquee for any live and recorded music entertainment will be provided to the hirer, organiser or principal user of the marquee for such purposes.</p> <p>This document will set out clearly any terms and conditions of use, and the consequences of any breach of same. Signature will be required upon receipt.</p>
--	--	---

		<p>NOISE CONTROLS</p> <p>Prior to the commencement of any live or recorded music entertainment, any performer or providers of same will be required to set up and demonstrate the use of their equipment in order that the Premises Licence Holder or their representative can ascertain the likelihood of noise break out that might prove intrusive to noise sensitive premises at the boundary or perimeter of the curtilages of the premises.</p> <p>During this sound check process, the Premises Licence Holder or their representative will ascertain the likelihood of such noise break out by physically attending such boundaries to experience such sound, noise and vibration. That person will thereafter direct the performer or provider:</p> <ul style="list-style-type: none"> • The maximum level of volume to be employed during any performance, and • Direct that the maximum level of volume is not to be exceeded in any circumstances. <p>MONITORING</p> <p>Proactive Monitoring by ALL Staff</p> <p>We will adopt an ethos that Noise Management is the responsibility of EVERY member of our staff i.e.,</p> <ul style="list-style-type: none"> • Ultimate responsibility will always vest in the Premises Licence Holder and DPS, but • All staff will be trained, reminded and encouraged to be alert, report and address – immediately – any issue that might be the cause of Noise Nuisance emanating from the Shire Grill.
--	--	--

		<p>Environmental Monitoring</p> <ul style="list-style-type: none"> • Noise checks will be undertaken outside the premises, particular at the boundary with any noise-sensitive and neighbouring properties. The test will be whether the noise emanating from the premises with normal conversation in the adjacent gardens and building. • Records of such checks shall be recorded in a Noise Management Log which will be retained for a period of a rolling six months, alongside this NMP for future reference. • Such records shall be made available to any Environmental Health Officer of Warwick District Council upon request. <p>DIRECTION AND CONTROL</p> <p>In the event that, in the opinion of the Premises Licence Holder or Representative, Noise Nuisance is likely to be caused by the provider of Live & Recorded Music, then the Premises Licence Holder or his representative will:</p> <ul style="list-style-type: none"> • Direct the provider to adjust down any regulated entertainment to a such a degree that the likelihood of Noise Nuisance is eliminated immediately, and/or • In the event that there is any failure for any reason to make such correction, then the provision of all Live & Recorded Music shall cease immediately forthwith. • Under no circumstances will any 'second or third chances' be provided to any entertainer to remedy possible Noise Nuisance issues. Immediate and complete compliance with any direction from the Premises Licence Holder or his representative is required.
--	--	---

Noise from Customers Smoking outside Premises.	Disturbance to nearby Noise Sensitive Receptors	<p>Benches Outside</p> <ul style="list-style-type: none"> • Put beyond customers' use after 23:20hrs. <p>Designated Smoking Area</p> <ul style="list-style-type: none"> • To be proactively monitored by staff members, whose role inter alia is to advise customers not to be noisy.
Noise from Customers Leaving Premises	Disturbance to nearby Noise Sensitive Receptors	<p>Dispersal Policy</p> <ul style="list-style-type: none"> • At and after closing, staff are to make sure dispersal takes place in a quiet, orderly and proper manner. • Any member of the public who requires a taxi may obtain via the staff.
Bottling Up/Out and Refuse Collection	Disturbance to nearby Noise Sensitive Receptors only during NTE.	<p>Refuse</p> <ul style="list-style-type: none"> • No refuse of any sort will be put out between 22:00 and 07:00hrs nightly.

Noise Monitoring Procedure

Details of the noise monitoring procedure to assess noise levels throughout the event, including sound tests.

o Detail noise monitoring equipment specifications.

Currently the premises has acquired our own handheld Noise Monitoring Equipment.

Although we are advised by EH Dept that this equipment is not officially calibrated and regularly re-tested so as to be of 'evidential quality and value', it certainly is indicative and is therefore put to regular use. In the event that we witness excessive noise from ours or any other source, we record this evidence by means of a video recorded on smartphone showing the noise readings, and then emailing this video evidence contemporaneously into the business email address.

o Identification of environmental noise self-monitoring locations used to monitor environmental noise impact on the area.

The locations self-selected for self-monitoring are...

- (i) outside the marquee itself
- (ii) at or near the perimeter fence line to the South of the premises.

o Detail lines of communication and follow-up actions.

In the event that we are found to be generating excessive noise, the source of that noise within our premises will be adjusted down and/or terminated with immediate effect, by order of the Management. Any member of staff found to be responsible, directly or indirectly, by act or omission to act, will be subject of normal managerial corrective action.

o Documentation to be kept and made available to Local Authority staff on request.

Our Noise Management records will be retained for six months and made available to EH Department on reasonable request.

Noise Complaints Procedure

Details of the Noise Complaints Procedure:

o **Direct telephone number for complaints:**

The dedicated telephone line is 01926 257900 and is active 24/7.

o **Actions required to investigate noise complaint.**

1. Upon receipt of any noise complaint, the details shall be noted by the call taker in the Incident Register, and brought to the attention of the DPS or Duty Manager immediately.

2. The first receiver of the complaint will record full details of the complainant (where given) along with the time, day, date and precise nature of the noise complained about. This will include any third part complaints passed on from EH Dept.

NB Even if UNPROVEN, these details WILL be recorded and entered in the register.

o **Record of complaints and actions taken; including corrective action and follow-up assessment.**

- The DPS will then make an initial investigation of the complaint immediately, or as soon as reasonably practicable thereafter.
- Where possible the DPS will secure the cooperation of the complainant to attend the location of the noise complained of in person in order to ascertain its precise nature and source.
- Where noise nuisance is established and the cause of it is self-evident, the DPS or his nominated representative will take whatever corrective action is reasonable and necessary to remove the source of the noise complaint.
- The investigative measures taken, and the outcome of the initial investigation, will be recorded in the same Incident Register maintained by the premises.
- The complainant will be updated of the enquiry on a weekly basis until the investigation is completed, whereupon the outcome will be explained to the complainant in writing.
- A copy of the incident report, investigation and outcome document will be sent to the EH Dept as per the paragraph below.

o **Documentation to be kept and made available to Local Authority staff on request.**

Any noise complaints recorded within the Incident Register shall be shared with the EH Dept as soon as reasonably practicable and in any event within 72 hours of first contact with the complainant.

Copies of all paperwork will be scanned and retained by the DPS for three calendar years from the date of initial report.

Amanda Allinson

From: Peter Lawson
Sent: 15 June 2022 09:48
To: Licensing
Cc: The Licensing Guys [Licensing]
Subject: The Shire Grill- Premises Licence Variation Application- Further Environmental Health Comments in support of Representation

Categories: Amanda

For the avoidance of doubt .

Environmental Health have not withdrawn our representation in respect of the application to vary the Licence to include the Marquee within the Premises Licence.. Environmental Health object to the Marquee being licensed for regulated entertainment .For the reasons set out in the representation.

WE have received complaints about noise from the Marquee in respect of the Following dates:-

-13th April -when regulated entertainment was said to be taking place without a licence,
30th May 2022 When regulated entertainment took place with a TEN and officers heard noise intrusive into the complainants house as described in the representation
8th June 2022when sound of music from the premises was said to be intrusive into houses at Mather Croft and Bank Croft.

During our investigation of the complaint about 8th June-, we were informed by the complainant that withdrawal of neighbour objections to the Licence variation had been procured by the Licensing Guys(agents for the applicant) on the basis that Environmental Health had “agreed terms”. If that is the case then the applicant or the agent has misunderstood the Environmental Health position and inadvertently mis represented it.

The control of noise from the Marquee is needed before 11pm. WE are concerned that including it within the existing premises licence will render it subject to the exemption for entertainment in licensed premises before 11pm.

On 30th May the applicants noise management plan failed and Officers heard noise of music and announcements intrusive into the neighbours bedroom. The applicant has submitted a Ten for Regulated Entertainment in the Marquee and garden on 26th June for recorded music and dancing.

The decision to put a disco in the marquee is at odds with principles of risk assessment and control set down in their noise management plan . This has undermined our confidence in the applicant.

WE are not confident to rely upon any informal agreement about the Licence , made outside of the Licence hearing but seek enforceable conditions applied by the Licensing Panel. If the panel find they cannot apply suitable enforceable conditions to control the noise before 11pm then we seek rejection of the application so as to protect local residents from noise nuisance.

Kind regards

Peter Lawson BSc(Hons) MSc CMCIEH
Chartered Environmental Health Practitioner
Senior Environmental Health Officer

Warwick District Council
Tel: 01926 456715
Email: peter.lawson@warwickdc.gov.uk

31/05/22

Notes on conversation with Peter Lawson and Stacey Walsham on 30th May 2022 TEN (on the day):

As I (Shamsher Sachota) was about to leave the premises after taking another set of decibel readings and sound checks towards the end of the event (10pm), I noticed Peter Lawson and who I assumed and later confirmed to be Stacey Walsham.

Having personally monitored the event with the other owner (Sukhray Heer), with strong video evidence, pictures and all aspects of common sense indicating that the event was extremely reasonable and anything but disruptive or intrusive, I happily approached both officers for a discussion.

I knew from a previous lengthy meeting with Peter Lawson that the emphasis was on noise not being "intrusive" to neighbours, and a particular focus on events being over by 11pm. We were 100% confident that this was the case.

As talking to Peter, he strangely asserted that the TENS stated the event was to be over by 10pm (the time currently being 10pm). I asked him to check his information as the TENS clearly stated a finish time of 10.30pm. I re-checked this information on my phone at the time and was shown to be correct. I thought it was strange that Peter had come for a personal

visit along with a colleague with the wrong information but continued our conversation.

With the event going on, Sulch came out from the restaurant and joined the conversation. With the event in "full swing" in-front of us, with us standing at the perimeter of the car park at the front fence, we could hear nothing but a very slight murmur from the event in-front of us. Decibel readings of this murmur throughout the night were shown on footage and pictures to never exceed the low 50s on our decibel meter, most of the time being in the 40s.

Indeed, even our own breathing and footsteps when walking and recording these readings, and not least if the wind blew or a bird tweeted in the trees, would make the reading go higher than what was being obtained from the event itself.

With the above knowledge, we proceeded to ask Peter Lawson to confirm that the event in-front of us was not "intrusive". He stated only that it was "audible".

Pointing out that there is a big difference between audibility and intrusiveness, we again probed both officers whether the event we could barely hear in-front of us was intrusive to anyone, as we could barely hear it out in the open in our own car park. Stacey remained quiet, keen only to follow Peter's lead - who again stated only that it was "audible".

We explained our readings for the night and the fact that we monitored the noise vigorously all night. Indeed internal readings of the event from inside the marquee itself, situated a long way from the boundary of the premises, never exceeded the mid to late 70s. Mainly the noise of kids playing and tapping on a small drum and ladies enjoying themselves with light-hearted singing and clapping. Again Peter Lawson offered no more comment than it was "audible", never going on to confirm "intrusiveness" despite repeated probing. He also stated that it was audible from gardens and houses, which we found itself surprising, however we remained extremely confident that this "audibility" (if present at all), stopped far short of the previously agreed standard of "intrusiveness".

We both stated to the officers that if such noise was even audible at all from nearby properties, you'd have to be really listening out for it and trying to distinguish between whether it was noise from the event, or any other ambient background noise from the wind, cars, footsteps in the car park, distant conversation etc. Sham and Sulch also pointed out that any live music and rock bands etc inside the pub would be much louder than the event taking place in front of them - and would also go up to the licensed times of 12:30am and 01:30am depending on the day.

During this conversation, the event ended right in

Grant of us at 10:10pm, well within the time stated on the TENS application.

The conversation ended, with Sham and Sulh happy with their running of the event and confident that they had caused no issues to anyone. They were also pleased that Peter Lawson never mentioned the word "intrusive" once in the conversation despite being probed on several occasions.

All parties shook hands and parted company.

[REDACTED]

Shamsher Sahota



Know Your Noise



PEAK SOUND PRESSURE

140 dB(C) ELV

137 dB(C) Upper EAV

135 dB(C) Lower EAV

130 dB(A) Threshold of pain



EXPOSURE VALUES

87 dB(A) ELV

85 dB(A) Upper EAV

80 dB(A) Lower EAV



180 — Rocket Launch

170

160 — Shotgun blast

150 — Fighter jet launch
— Fireworks

140

130 — Live Rock Band

— Jack Hammer

120

— Riveter

110

— Chain saw

100 — Handheld drill

— Sander

90 — Welder

80 — Heavy Traffic /
— Noisy restaurant

70 — Toilet flushing /
— Vacuum cleaner

60 — Normal conversation

50 — Quiet Office

40 — Light rain

30

— Whisper

20

10 — Rustling Leaves

0 — Healthy normal
hearing threshold

Decibel levels dB(A)

Key:

EAV = Exposure Action Value

ELV = Exposure Limit Value

dB(A) = 'A' weighted decibels
(to replicate human hearing)

dB(C) - 'C' peak weighted decibels for
peak sound pressure

