

Licensing & Regulatory Committee Wednesday 14 October 2020

An additional meeting of the above Committee will be held remotely on Wednesday 14 October 2020, at **4.30pm** and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor T Heath (Chairman)
Councillor N Murphy (Vice-Chairman)

Councillor A Boad
Councillor G Cullinan
Councillor A Dearing
Councillor A Evans
Councillor C Gifford
Councillor J Grey
Councillor G Illingworth

Councillor V Leigh-Hunt
Councillor M Luckhurst
Councillor M Mangat
Councillor D Norris
Councillor P Redford
Councillor S Syson

Agenda

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

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

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

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

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

3. Minutes

To confirm the minutes of the Committee meetings as set out below:

- a) 8 July 2020

(Pages 1 to 4)

4. **Minutes of Licensing & Regulatory Panels**

To confirm the minutes of the Licensing & Regulatory Panels as set out below:

- a) 16 July 2020 **(Pages 1 to 3)**
- b) 18 August 2020 **(Pages 1 to 7)**
- c) 22 September 2020 **(Pages 1 to 4)**

5. **Statement of Licensing Policy Review – Request for public consultation**

To consider a report from Health & Community Protection
(Pages 1 to 3 & Appendix 1)

6. **Public Space Protection Orders (Intoxicating Substances)**

To consider a report from Health & Community Protection
(Pages 1 to 4 & Appendices 1-3)

7. **Public Space Protection Orders (Dog Controls)**

To consider a report from Health & Community Protection
(Pages 1 to 4 & Appendices 1-2)

8. **Public and Press**

To consider resolving that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Item Numbers	Paragraph Numbers	Reason
9	1	Information relating to an Individual
9	2	Information which is likely to reveal the identity of an individual

9. **Minutes of Licensing & Regulatory Panels**

To confirm the confidential minutes of the Licensing & Regulatory Panel meeting held on 2 June 2020
(Pages 1 to 8)

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 reports.

You can e-mail the members of the Committee at

landrcommittee@warwickdc.gov.uk

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prior to the meeting, by telephoning (01926)
456114

Licensing and Regulatory Committee

Minutes of the remote meeting held on Wednesday 8 July 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillors Heath (Chairman); Councillors Boad, Evans, C Gifford, Grey, Illingworth, Leigh-Hunt, Luckhurst, Mangat, Murphy, Norris, Redford and Syson.

8. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillor Cullinan and Councillor A Dearing; and
- (b) there were no substitutes for the meeting.

9. **Declarations of Interest**

There were no declarations of interests made.

10. **Minutes**

The minutes of the meeting held on 1 June 2020 were taken as read and signed by the Chairman as a correct record.

11. **Consultation on the revision and renewal of the District's Public Space Protection Orders – Restricted Drinking Zones & Dog Control Orders**

At the request of the Chairman, the Democratic Services Manager and Deputy Monitoring Officer advised that a number of questions had been received since the publication of the agenda. Officers considered it appropriate to reflect on these questions and put together a pre-consultation plan, part of which would be contacting the relevant Parish and Town Councils within the District in order to get a better understanding of the specific issues in the local areas. Principally, this was around the Dog Control Orders and what further work could be done in that area. As a result, Members were advised to remove the elements around the Dog Control Public Space Protection Orders from the report and debate, and for officers to bring a separate report to the Committee on this specific matter at a later date.

Therefore, the Committee considered a report from Heath and Community Protection. **The district's Public Space Protection Orders (PSPOs)** were due to expire on 21 October 2020.

Before introducing, extending, varying or discharging a PSPO, there were requirements under the Anti-Social Behaviour, Crime and Policing Act 2014 Act regarding consultation, publicity and notification. Approval was being sought to consult residents, businesses, partners and relevant stakeholders on the extension and variation of these orders.

Where PSPOs were varied, extended or discharged, there were statutory requirements regarding publishing or publicising this and councils were required to undertake a consultation process.

Local authorities were obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order was being made by a district), parish or community councils that were in the proposed area covered by the PSPO had to **also be notified**. **'Community representatives'** were **defined broadly in the Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'**.

It was proposed to discharge the Restricted Drinking Zone PSPO and replace it with an Intoxicating Substances PSPO, to include alcohol and making it an offence for a person **'without reasonable excuse'** to breach the PSPO in terms of ingestion, inhalation, injection, smoking or otherwise use of an intoxicating substance. This approach had been informally discussed with Warwickshire Police who supported this inclusion.

The consultation would take place during July/August 2020, lasting for a four-week period, after which a further report, including a summary of any representations received, would be submitted to the Licensing Committee for a final decision.

In terms of alternatives, there was the option not to consult or renew the PSPOs. This option was not recommended for the reasons highlighted in Section 6.1 in the report. Allowing the PSPOs to lapse without extending them would result in a recurrence of the activities that were detrimental to the quality of life of people who live, visit or work in the district.

The Regulatory Manager provided an overview of the Public Space Protection Orders, which were different to other antisocial behaviour related tools because they applied to everyone using a particular area. Councils were responsible for making such orders, and their enforcement could be imposed by any authorised officer or a police officer.

In answer to questions from Members, the Regulatory Manager and the Community Partnership Team Manager explained that:

- the Council would need to be able to justify the imposition of Intoxicating Substances PSPO on a specific area, and this was part of the purpose of the public consultation;
- if, during the consultation, a large number of residents of a particular area were to ask for the Intoxicating Substances PSPO to be applied in their area, and were able to give reasons and examples as to why, then this would be possible and it would need to be judged on a case by case scenario;
- if an area had not been identified during the consultation but it subsequently became an issue, this could be reviewed at any time;
- it was a legal requirement to review the PSPOs every three years;
- the PSPOs could be amended in either direction, either to add or remove areas, the intention being for these to remain flexible according to changes in the particular environment;

- if an intoxicated individual refused to stop drinking, they would be committing an offence and the police had the authority to remove the alcoholic drinks from them;
- the option of looking into PSPOs was available to Parish and Town Councils, including those of rural areas, and it was part of the consultation process;
- nitrous oxide was also covered by the Intoxicating Substances PSPO;
- in 2017 when the Council moved over to PSPOs, it was a District-wide coverage, and that question would be raised as part of the **consultation. Officers' would advocate to continue as a District-wide PSPO** in this respect;
- due to some of the Covid-19 restrictions, there would be an increase in outdoor drinking in the next six to 12 months. As a result, officers felt a District-wide approach would be most appropriate;
- according to the legislation in place, if an individual was likely to become intoxicated, the enforcement officer was able to take that substance away as well;
- a team of street marshals worked with the police during evenings and weekends;
- officers did not believe that stab vests were utilised, unless there was a specific reason to do so;
- a great deal of preparation had been put in place prior to pubs reopening the weekend before the meeting, to make sure the response was well orchestrated;
- the intoxicating substances were included in the PSPO because there had been an increase in the use of drugs, specifically, the nitrous oxide, not just in the towns and areas which were known to **officers, but also in the District's parks, with Abbey Fields having** been highlighted as an area of concern;
- nitrous oxide was classed as a psychoactive substance which, when inhaled, could cause a number of health issues which could be fatal. Across the County, officers had seen a sharp rise in incidents involving nitrous oxide. On one occasion, the Abbey Fields car park was totally littered with these canisters, with users congregating, also encouraging antisocial behaviour.;
- officers suspected the majority of the drug procurement was done online, which meant it was possible for it to continue during the lockdown period when the shops were closed; and
- officers were in the process of identifying those premises within the District which sold the nitrous oxide canisters, and have a conversation with the owners to make sure they understood the risks associated with selling them to young people.

The Democratic Services Manager and Deputy Monitoring Officer reminded Members the proposal was for the Committee to approve officers beginning the consultation process on the Intoxicating Substances PSPO only.

Resolved that

- (1) a statutory consultation on the Intoxicating Substances Public Space Protection Order be authorised for 4 weeks as outlined in the report; and

- (2) following the consultation, a further report be submitted to this Committee for a decision on extending and varying the PSPOs.

(The meeting ended at 6.42pm)

(At 6.25pm, the meeting was adjourned for one minute, for the Chairman to re-join the remote meeting.)

CHAIRMAN

14 October 2020

Licensing and Regulatory Committee

Minutes of the remote meeting held on Monday 21 September 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Heath (Chairman); Councillors Boad, Cullinan, A Dearing, Evans, C Gifford, Grey, Illingworth, Leigh-Hunt, Mangat, Murphy, Norris, Redford, and Syson.

12. **Apologies and Substitutes**

(a) Apologies were received from Councillor Luckhurst.

(b) There were no substitutes.

13. **Declarations of Interest**

There were no declarations of interest.

14. **Public Space Protection Orders – Dog Control**

The Committee considered a report from Health and Community Protection providing an update of the pre consultation which had taken place and the impact of the suggestions that had been placed in the public domain prematurely.

On the 8 July 2020, the Licensing and Regulatory Committee noted questions received regarding the Public Space Protection Orders (PSPO) in relation to dog controls and were advised by officers that they would undertake a pre-consultation. The pre consultation would be with Parish and Town Councils and relevant landowners within the District, in order to gain a better understanding of the specific issues affecting local areas, prior to formal proposals coming to the Committee ahead of wider public consultation.

Members had accepted this and disregarded the elements around the Dog Control PSPOs from the report and debate. It was determined that officers should bring a separate report to the Committee on this specific matter at a later date.

Officers contacted relevant stakeholders, in confidence, with a number of suggestions to request their thoughts and feedback in order to consider what measures would need to be included or indeed excluded from a proposed PSPO for dog controls.

Unfortunately, these suggestions were placed into the public forum without context or appropriate explanation against the instructions provided in the pre consultation correspondence.

In addition, a summary of decisions of the Licensing & Regulatory Committee was published to clarify the decisions taken in regard to the published report. Therefore, to understand the decision taken, it relied on the public watching the video of the meeting.

LICENSING AND REGULATORY COMMITTEE MINUTES (Continued)

The combination of these two factors generated significant public misunderstanding and miscommunication in relation to the status of any proposals and the course of action being taken. This resulted in large quantities of negative feedback, including Freedom of Information Requests, complaints to officers and Councillors along with a petition, of over 4000 signatures, opposed to the alleged proposals.

The Council provided correction statements to both local and national media requests.

Despite best efforts (including publishing the draft minutes of the 8 July Committee meeting, social media communications, and direct email correspondence from officers and Councillors), to mitigate and correct the misinterpretation had become the overwhelming narrative.

It was considered almost impossible to conduct a fair public consultation into the PSPOs for Dog Controls in order to make any changes to the existing orders, due to the current proliferation of incorrect information.

As outlined in the report from the 8 July Committee meeting, the legislation for PSPOs outlined that if orders were varied, extended or discharged, there were statutory requirements regarding publishing or publicising this and a consultation process was required.

The existing PSPOs needed to be reviewed by 21 October 2020, and due to the significant risk of the lack of a fair consultation, consideration was given to extending or removing the existing orders and level of consultation required to meet the legislative requirement.

By extending the existing orders, there would be no change to the contents of the orders which had been in place since 2014. Any alterations which had been suggested within the pre-consultation would not be included in the orders.

The report to the Committee in October would include details of the stakeholder consultation, for maintaining the current orders, with a view to renewing them for a period of three years. However, the Council could undertake a wider review of the orders within this time at a point if it wished to.

In terms of alternative options, the existing consultation could move on to a public consultation following a report to Committee, outlining the proposals for the PSPOs, which were reflective of the stakeholder pre engagement activities. However, as outlined within the report, it was not believed that a fair public consultation could be conducted at that time.

In addition, the timeline for such a consultation and report would still require the existing orders to be extended to allow the consolidation of the feedback from the pre consultation process, a suitable public consultation period and the preparation of reports to Committee regarding the adoption and/or amendments required to the revised PSPOs.

Alternatively, a decision could be taken to removal all of the existing orders in relation to dog control. This still required a consultation with relevant

LICENSING AND REGULATORY COMMITTEE MINUTES (Continued)

stakeholders and feedback and collated information suggested that these orders remained valid in as far as the controls they would enact.

The Committee therefore

Resolved that

- (1) a fair public consultation cannot be conducted at this time due to the placement of the suggestions included within the pre consultation information with stakeholders being placed in the public domain, be noted; and
- (2) formal consultation with existing stakeholders to extend the existing [Public Space Protection Orders](#) (PSPO) (formally known as Dog Control Orders), be approved.

(The meeting ended at 6.35 pm)

CHAIRMAN
14 October 2020

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Thursday 16 July 2020, at 10.00am.

Present: Councillors Boad, Evans and Murphy

Also Present: Mr Edwards (Committee Services Officer), Mrs Tuckwell (Civic & Committee Services Manager), Mrs Amphlett (**Council's** Solicitor), Ms Russell (Licensing Enforcement Officer)

1. **Apologies and Substitutes**

Councillor Evans was substituting for Councillor Dearing.

2. **Appointment of Chairman**

Resolved that Councillor Murphy be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest.

The Chairman, Members of the Panel and officers introduced themselves.

4. **Application to vary a Street Trading Consent to trade outside the hours set out in Warwick District Council's Street Trading Policy**

The Panel considered a report from Health and Community Protection which sought a decision on an application to vary a current Street Trading Consent for an ice cream van to trade outside the permitted hours set out in the policy.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

Warwick District Council designated every street within the District as a Consent Street. Any person who wished to expose goods for sale anywhere the public had free access needed to apply for a Street Trading Consent.

The **Council's** Policy permitted trading between the hours of 06:00 and 18:00. However, any trading outside these hours may have been approved by the **Council's** Licensing and Regulatory Committee.

Mr Edward Bowen submitted an application to vary his current Street Trading Consent. Mr Bowen wished to amend his consent to trade from 12:00 to 18:00 and instead, trade from 12:00 to 20:00 in his ice cream

van. If granted, this consent would allow Mr Bowen to trade throughout the District during these hours only.

Mr **Bowen's** application to vary his consent and a photograph of the ice cream were attached as Appendix 1 to the report. A copy of Mr **Bowen's** current Street Trading Consent conditions was attached as Appendix 2 to the report.

Details of the procedure adopted by the Licensing and Regulatory Committee for Panel Hearings were supplied to the applicant.

In his statement, Mr Bowen advised Members that since resuming trading after lockdown, he was receiving a higher number of requests from many streets and this was the main reason why he was applying for extended hours of trading. In addition, Mr Bowen was taking a lot more card payments and this was slowing down his trading.

In answer to questions from Members, Mr Bowen advised that:

- He was trading on housing estates across the District.
- There were no other ice cream vans trading in the same location in Kenilworth where Mr Bowen was trading, so he would not be gaining an advantage by extending his trading hours, but the change would help him do his round.
- Mr Bowen was aware that ice cream vans were legally allowed to sound their chimes no later than 19:00, and Mr Bowen would not be sounding his chime after 19:00.

Mr Bowen was satisfied and he did not wish to make any closing remarks.

At 10.11am, the Chairman reminded those present of the procedure: the remote meeting would be ended by the Committee Services Officer; a separate meeting would be arranged with the Members of the Panel, the Legal Advisor, the Committee Services Officer and the Civic & Committee Services Manager; the decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

The Panel listened carefully to the Licensing **officer's** report and the reasons Mr Bowen provided for his application to extend trading hours from 12:00 – 18:00 to 12:00 – 20:00. They also heard during the hearing that Mr Bowen was aware of the rules around the use of the chimes on his van, which can only legally be used until 7pm.

The Panel noted that in the current Covid-19 climate there were requirements for PPE equipment to be used, and they trusted that Mr Bowen would adhere

to any such requirements placed upon him as a trader and purveyor of good items.

(The meeting ended at 10.11am)

CHAIRMAN

14 October 2020

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Tuesday 18 August 2020, at 10.00am.

Present: Councillors Heath, Leigh-Hunt and Murphy

Also Present: Mr Edwards (Committee Services Officer), Mrs Tuckwell (Civic & Committee Services Manager, observing only), Mrs Amphlett (**Council's** Solicitor), Ms Russell (Licensing Enforcement Officer) and Mr Lawson (Senior Environmental Health Officer)

1. **Apologies and Substitutes**

There were no apologies or substitutes.

2. **Appointment of Chairman**

Resolved that Councillor Heath be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for Temporary Event Notices for Fizzy Moon, 35 Regent Street, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which sought a decision on an application for six Temporary Event Notice (TEN) applications from Mr Moe Kandola, Fizzy Moon, 35 Regent Street, Leamington Spa, CV32 5EE.

Representations had been received in relation to these Temporary Event Notice applications for the consideration of the Panel in the determination of the applications.

The Chairman asked the members of the Panel and officers present to introduce themselves. The other parties then introduced themselves as:

- Mr Kandola, the applicant; and
- Mr Lawson, Senior Environmental Health Officer (Warwick District Council).

The **Council's** Solicitor explained the procedure for the hearing.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

When considering the application, the Panel needed to give appropriate weight to: the representations received; statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003; the **Council's** Licensing Policy Statement (attached as appendix 3 to the report); and the Licensing Objectives. These were:

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

However, the Panel could only consider those licensing objectives which had been referred to in the representations received.

The **Council's** Licensing Policy Statement provided that the authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licences where necessary, in order to ensure the promotion of the four licensing objectives. Each application would be judged on its own merits.

Details of the procedure adopted by the Licensing Committee for Panel Hearings were supplied to the applicant.

Mr Kandola applied for six Temporary Event Notices for Fizzy Moon, 35 Regent Street, Leamington Spa, CV32 5EE, Warwickshire on 3 August 2020.

The temporary event notices were submitted to enable the use of the outside terraced area for Fizzy Moon for an additional hour between 23:00 to 24:00 on the dates below:

- Friday 21 August 2020;
- Friday 28 and Saturday 29 August 2020;
- Friday 4 and Saturday 5 September 2020;
- Friday 11 and Saturday 12 September 2020;
- Friday 18 and Saturday 19 September 2020; and
- Friday 25 and Saturday 26 September 2020.

The premises currently had a premises licence (WDCPREM00201) that enabled them to use the outside area until 23:00. A copy of the current premises licence and conditions was attached as appendix 1 to the report.

The Licensing Department had received an objection from Environmental Health. This objection was attached as appendix 2 to the report.

In accordance with section 105 of the Licensing Act 2003, the Licensing Authority needed to hold a hearing to consider the objection notice unless Environmental Health, the premises user and Licensing Authority agreed that a hearing was unnecessary. The hearing needed to be concluded, and notice of the decision given to the premises user and the Police, no later than 24 hours before the temporary event was due to commence.

The Panel could only consider those licensing objectives detailed in the objection received from Environmental Health.

Following the publication of the agenda, three further appendices were circulated with the following additional information:

- Additional Appendix 4 – further correspondence between Mr Kandola and the Environment Health Officer, addressing some of the concerns of noise nuisance, open vessels and the conditions of the current licence, which were raised by Environmental Health;
- Additional Appendix 5 – letters from neighbours stating no objections to the application; and
- Additional Appendix 6 – a completed Covid-19 risk assessment for the premises.

The Chairman invited the applicant, Mr Kandola, to present the application. Mr Kandola advised Members that his application was intended to minimise any instances of conflict or law and order issues, and would in no way financially benefit the business.

Mr Kandola had held a licence for 17 years, which had a condition to close the terrace area of the premises by 11pm. Due to Covid-19 restrictions, only 30% of the internal capacity of the premises could be used, which had resulted in customers using the terrace more frequently. As this had to be closed at 11pm, the customers who were outside had to leave at this time, whilst those who were inside could stay until the closing time of midnight.

Mr Kandola explained that the premises were licensed until 2am at weekends, but given the Covid-19 restrictions and lack of demand, he had decided to call last orders at 11pm, with a closing time of midnight. As the bar remained open until 11pm, many of the customers who were outside who may have ordered shortly before 11pm, were asked to leave and were not permitted to take their drinks with them. Many of these customers would normally have been allowed to move indoors at 11pm, but due to the Covid-19 restrictions, there was often not enough space for them. As a result, there had been a couple of occasions of conflict when staff attempted to remove customers from the terrace area at 11pm.

Mr Kandola had previously made an application for a Temporary Event Notice for the use of an additional hour between 23:00 and 00:00 on Friday 31 July and Saturday 1 August, to allow the terrace to remain open and allow adequate drinking up time for customers, and there had been no objections to this application. This application served as a test, during which no drinks were served to customers outside after 11pm, with all doors and windows being shut at this time. Mr Kandola was pleased that there were no incidents of conflict as customers had adequate drinking up time, and there had been no complaints about noise. Mr Kandola understood the concerns about noise raised by Environmental Health, and he explained that immediate neighbours were contacted following the previous application, and there had been no complaints. As a result of its

success, the application was made for six other temporary events notices.

In answer to questions from Members, Mr Kandola advised that:

- The premises had a one-way system for all customers to follow, and in line with Government guidelines, customers were asked to give their contact details, which were kept for 21 days.
- Covid-19 restrictions meant that the indoors area was non-standing only, and there was limited seating capacity. As a result, there was extra seating outside for customers. At 11pm, many customers could not come inside as there was not enough capacity, and they were subsequently asked to leave.
- Customers used an app to place their order, and did not need to come to the bar as their drink was brought to them. Using the app meant that staff could see the time each order was placed, and staff would refuse any sales to outdoor customers after 11pm. This ensured that no drinks were taken outside by staff after 11pm, and gave staff control of who was served and at what time.
- He had tried to make the venue family-friendly, and tried to consult neighbours as much as possible. Neighbours understood that it provided a temporary solution to an issue faced as a result of the Covid-19 pandemic, and only while the weather remained warm enough for people to want to stay outside.
- It was not pertinent to give more adequate drinking up time by changing the last orders to 10:30pm for customers outdoors, as this would mean outdoor customers would be treated differently to customers indoors. As customers from outside were allowed to go inside to use the toilet facilities until 11pm, calling last orders at 10:30pm meant that this was potentially open to misuse.
- There had been an incident where a staff member had a drink thrown over them while trying to remove a customer from the outside area, and the application was designed to reduce the likelihood of this happening again and make the customers feel more relaxed and finish their drink more leisurely.

The Senior Environmental Health Officer in his representation advised that:

- Local residents might be trying to sleep with their windows open on a warm summer day after 11pm, and would be disturbed by sound coming from the terrace.
- Mr Kandola had said that no music would be played inside the building after 11pm. However, noise would come from the customers using the terrace, and could escape from inside the premises through the doors.
- He had not seen the correspondence with the neighbours that was circulated in additional appendix 5, and did not know how far this consultation went.
- Noise coming from gatherings often become more apparent and intrusive the later it got in the evening, as background noise reduced. The change in character of Leamington Town Centre, as a result of lockdown, had meant that there was less activity, background noise

levels had decreased, and as a result, noise at night would carry further.

- As the application was for a series of events, over consecutive weekends, this could lead to regular disturbance of neighbours.
- The existing licence contained a condition that the terrace area needed to close at 23:00, but he was concerned that the stated purpose of the Temporary Events Notices was to avoid this condition. He felt that the application was contrary to the licensing objectives regarding public nuisance. One of the unintended consequences of allowing the terrace to open until midnight would be undermining the existing premises licence condition to close all doors and windows after 23:00, because the doors to the terrace would be opening and closing after this time to allow customers to use the toilet, or when staff members went outside. Such examples would lead to noise escaping the building through the doors.
- The condition to remove vessels from external areas by 11pm was designed to prevent crime and disorder, and to encourage customers with unfinished drinks to move inside rather than take drinks with them or put staff in a position where they were trying to take drinks off customers.

The Council's Legal Officer clarified that the Panel was not bound by the existing licence. The application for the Temporary Events Notices was in line with the regulations, even though it affected a condition in the existing licence.

In his closing statement, Mr Kandola re-emphasised that neighbours were regularly consulted and they understood that the application was a temporary solution. He explained that he was following all Government guidelines and recommendations for the premises, but given the issues as a result of the Covid-19 pandemic, compromise was needed to solve the problem of giving customers outside adequate drinking up time. The proposed extension until midnight was just to give customers more time to finish their drinks and leave the premises peacefully, and was unlikely to result in any complaints from neighbours. However, Mr Kandola explained that he was willing to revert back to closing the outdoor area at 11pm if any complaints were received.

At 10.43am, the Chairman reminded those present of the procedure: the remote meeting would be ended by the Committee Services Officer; a separate meeting would be arranged with the Members of the Panel, the Legal Advisor, the Committee Services Officer and the Civic & Committee Services Manager; the decision would be communicated in writing via email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

The Panel listened carefully to the submissions made during the hearing, and were minded to grant the application for Temporary Events Notices, for the use of the terrace until 24:00 hours (rather than

23:00), subject to conditions, for the following dates:

- Friday 21 August 2020;
- Friday 28 August and Saturday 29 August 2020;
- Friday 11 September and Saturday 12 September 2020;
- Friday 18 September and Saturday 19 September 2020; and
- Friday 25 September and Saturday 26 September 2020.

In pursuance of the licensing objectives, the Panel granted the Temporary Event Notices subject to those conditions in Mr **Kandola's** existing licence for the premise which were not incompatible with the applications. For the avoidance of doubt, the conditions from the existing licence which would not apply to the Temporary Event Notices were as follows:

1. The external areas must be cleared by 23:00 and not used after this time; and
2. All open vessels must be removed from external areas within the building by 23:00.

In reaching this decision, the Panel noted that in the current Covid-19 climate, there was additional strain on the space within the premises, as social distancing needed to be adhered to. As such, it was not possible for those using the terrace to move inside the premises to finish their drinks once the terrace closed at 11pm.

The Panel understood that this had resulted previously in an altercation in which a customer threw a drink at a member of staff. The Panel was of the view that allowing the terrace to remain open for the additional hour on the dates sought may alleviate the risk of further altercations arising, as customers on the terrace would have time to consume their drinks before leaving.

The Panel noted that drinks were served until 23:00 hours, and as such this additional hour would allow patrons to consume the drinks purchased before this time. Whilst the weather was fine, it would be beneficial if those customers who were outside could finish their drinks in the same way as customers inside, and all guests could leave the premises together at 24:00 hours.

It was noted that the previous Temporary Event Notice that Mr Kandola operated under, on the weekend of the 31 July and 1 August, received no complaints. Whilst the Panel was of the view that this alone would not amount to sufficient evidence of there being no noise nuisance caused by the additional hours of the terrace being used, when combined with other factors in this case, including Mr Kandola consulting immediate neighbours, the position of the premises, and that there was a terrace area, the Panel considered on balance that the licensing objectives could be maintained whilst granting the Temporary Event Notices for the selected dates.

Mr Kandola was required to keep the Temporary Event Notices in a safe place when the event was held, and display a copy of the notice on the premises where it could be easily seen.

(The meeting ended at 10.43am)

CHAIRMAN
14 October 2020

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held remotely, on Tuesday 22 September 2020, at 10.00am.

Present: Councillors Boad, Leigh-Hunt and Redford.

Also Present: Mr Edwards (Committee Services Officer), Mrs Tuckwell (Civic & Committee Services Manager, observing only), Mr Howarth (**Council's** Solicitor), and Mrs Rose (Licensing Team Leader).

1. **Apologies and Substitutes**

Councillor Leigh-Hunt substituted for Councillor Murphy and Councillor Redford substituted for Councillor A Dearing.

2. **Appointment of Chairman**

Resolved that Councillor Boad be appointed as Chairman for the hearing.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Application for a Street Trading Consent to trade outside the hours set out in Warwick District Council's Street Trading Policy**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a Street Trading Consent for a trailer selling hot food to trade outside the permitted hours set out in the policy.

The Chairman asked the members of the Panel and officers present to introduce themselves. The applicant then introduced himself as Mr Marshall.

Warwick District Council designated every street within the District as a Consent Street. Any person who wished to expose goods for sale anywhere the public had free access, needed to apply for a Street Trading Consent.

The **Council's** Policy permitted trading between the hours of 06:00 and 18:00. However, any trading outside these hours had to be approved by the **Council's** Licensing and Regulatory Committee.

Mr Marshall submitted an application for a Street Trading Consent to sell hot food. The consent would permit him to trade from a fixed pitch on Bird Road, Warwick, Warwickshire, CV34 6TB.

The hours applied for were shown in the table below:

	Trading hours
Monday	No trade
Tuesday to Friday	10:00 to 22:00
Saturday and Sunday	17:00 to 22:00

A copy of Mr **Marshall's** application form and photographs of the trailer was attached as appendix 1 to the report.

A site map and a satellite photograph of the immediate area was attached as appendix 2 to the report.

A copy of the conditions attached to a Street Trading Consent were attached as appendix 3 to the report.

Details of the procedure adopted by the Licensing Committee for Panel Hearings were supplied to the applicant.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it.

The Chairman invited the applicant, Mr Marshall, to present his application. Mr Marshall advised Members that his trailer would help the local community, and the proposed extra hours of trade would mean that he could provide a service to the community for a longer period.

In answer to questions from Members, Mr Marshall advised that:

- Hand sanitation would be provided for customers and staff would have access to two hand sanitisers within the trailer.
- Staff would have access to hot water so that they could regularly wash their hands.
- Mr Marshall would place a sign on the site asking customers to maintain social distancing in line with government guidelines.
- The delivery driver would wear a mask and would drop off any deliveries on customers' doorsteps in order to keep a distance from them, and would take card payments only.
- It was expected that the majority of orders would be placed by telephone or ordered online and delivered. However, for those customers who wished to pick up their order from the trailer, designated time slots would be put in place.
- As the location was on an industrial site, Mr Marshall explained that the intention was to serve mainly to the workers from the industrial site during the day, and in the evening, to become more of a takeaway and delivery service to the wider community. He stated that one of the benefits of the location of the trailer was that it could capture the industrial worker audience during the day, and in the evening, it would be away from a residential area, and would therefore provide little or no disturbance to residents.

- Mr Marshall had not operated from the site before, but had previously worked in a similar business in Stratford-upon-Avon. He had been due to launch on the site a matter of weeks before the Covid-19 pandemic.
- All staff members cooking food had at least a level 2 Food Hygiene Certificate.
- The trailer was not connected to water supply and Mr Marshall had to bring the water to the trailer and then take the water waste, which was collected in an open bucket. Mr Marshall found the water disposal to be the most difficult part of the arrangements, and there was no waste water tank in the vehicle.
- The trailer would have hot water which was heated by a boiler, powered by a petrol powered generator, which powered the electricity in the trailer. Any water waste would be collected in a bucket, and disposed of by Mr Marshall at his home address which was not far from the application site.
- He would try to bring adequate water containers which would hopefully last throughout the day, but this was something he would have to work out once starting to operate.
- If, for example, he ran out of water at 8pm, Mr Marshall would need to quickly go home and re-fill the containers. He would then take back home any water waste and dispose of it that way. He reassured Members that he would not dispose of the water down the drain in the road.
- The generator did create noise, and would be on for the majority of the day. However, one of the reasons Mr Marshall chose the location away from a residential area, was to minimise any noise disturbance.
- Mr Marshall explained that there were two adequate bins within the trailer, and one bin for customers to use. All rubbish would be taken **either at Mr Marshall's home address** in the first instance or straight to the recycling centre. This would be disposed of as commercial waste.
- Mr Marshall had asked Warwickshire County Highways for permission to park his trailer on the site, and was advised to make the application to Warwick District Council Licensing department.

Mr Marshall enquired about placing stickers on the floor indicating the **recommended social distancing guidance**. The Council's Legal Officer clarified that as the site was on a public highway, Mr Marshall would need to contact Warwickshire County Highways, which he agreed to do.

The Licensing Team Leader clarified that the application was involved in a consultation exercise in which Warwickshire County Highways were consulted, and there had been no objections.

Mr Marshall was satisfied and he did not wish to make closing remarks, and thanked the Panel for hearing his application.

At 10.22am, the Chairman reminded those present of the procedure: the remote meeting would be ended by the Committee Services Officer; a separate meeting would be arranged with the Members of the Panel, the Legal Advisor, the Committee Services Officer and the Civic & Committee Services Manager; the decision would be communicated in writing via

email to the applicant later on the same day, followed by a written notice with a full decision within seven days.

Resolved that the application be granted.

Having considered the report from Health and Community Protection and the representations from the applicant, the Panel resolved to grant the street trading consent, in accordance with the report and the application, and subject to the general conditions as set out in Appendix 3 to the report, and a condition that the applicant only operated the business in strict accordance with the Covid-19 Risk Assessment submitted by the applicant, dated September 2020.

Whilst the Panel had concerns about the waste management and hygiene arrangements for the business, and in particular the disposal of water waste, the Panel noted that the general conditions required that adequate arrangements were put in place for this. The Panel, however, requested that inspections were carried out by the relevant teams within Health and Community Protection at the earliest opportunity, to ensure that adequate arrangements were put in place, and that the conditions of the consent were being complied with.

(The meeting ended at 10.22am)

CHAIRMAN
14 October 2020



Agenda Item 5
Licensing and Regulatory Committee
14 October 2020

Title: Statement of Licensing Policy Review – Request for public consultation.

Lead Officer: Kathleen Rose

Portfolio Holder: Cllr Judith Falp

Public report

Wards of the District directly affected: All

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: Yes

Included within the Forward Plan: Yes

Equality Impact Assessment Undertaken: Yes

Consultation & Community Engagement: Proposed public consultation from ?? to ?? (6 weeks).

Final Decision: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	05/10/20	Andrew Jones
Head of Service	05/10/20	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	05/10/20	Cllr Judith Falp

1. Summary

- 1.1. The purpose of this report is to advise Members of the Licensing and Regulatory Committee of the statutory requirement to review the Statement of Licensing Policy and to inform them of the proposed schedule for meeting our legal requirements.

2. Recommendation

- 2.1. That the Licensing and Regulatory Committee agrees to a public consultation on the Statement of Licensing policy between 15th October 2020 and 26th November 2020.

3. Reasons for the Recommendation

- 3.1. **Under the terms of the Licensing Act 2003 the council's statements of** licensing policy has to be reviewed every three years. The current statement of licensing policy came into effect on the 5th January 2018 and a review must therefore be completed and a revised statement published by the 4th January 2021.
- 3.2. Before amending the policy for a further three-year period, licensing authorities are required to carry out a wide consultation process. In addition, to those it must consult by law, the council has authority to include in the process any individuals or organisations it deems appropriate.
- 3.3. Due to the impact of the COVID pandemic and its response on timelines of the planned review; due to the proposal to have minimal changes to the wording of the policy, it is proposed that the consultation is conducted on the existing wording of the statement of policy (appendix 1)
- 3.4. Officers are working to create a new timeline in order to ensure the correct **approvals are received in accordance with council's constitution to enable the** Statement of Policy to be approved by the appropriate date.

4. Policy Framework

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

- 4.1.1. 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**.

4.2. **FFF Strands**

4.2.1 **External impacts of proposal(s)**

People - Health, Homes, Communities - None.

Services - Green, Clean, Safe - The Licensing Authority recognises that residents within, and visitors to the District, need a safe environment to live,

work and visit; and that safe and well run entertainment premises are important to the wellbeing of any person within the District.

Money- Infrastructure, Enterprise, Employment - The Licensing Authority recognises that entertainment premises within the District are an important source of local employment.

4.2.2. **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.

4.3. **Supporting Strategies**

4.3.1. Each strand of the FFF Strategy has several supporting strategies. The Statement of Licensing Policy, provide guidance, consistency, best practices, transparency, proportionality and promotes safety and wellbeing to the community. This contributes to the Council's strategy of making Warwick District a great place to live, work and visit.

4.4. **Changes to Existing Policies**

4.4.1. None.

4.5. **Impact Assessments**

4.5.1. An Equality Impact Assessment has been carried out. It is consistent with the Council's duty under the Equality Act 2010.

5. Budgetary Framework

5.1. There are no budgetary implications arising from this Policy review.

6. Risks

6.1. It is a legal requirement to review the Statement of Licensing Policy, not to carry out the review could lead to legal challenge and would prevent the licensing authority from conducting its duties during the period where no reviewed policy was in place.

7. Alternative Option(s) considered

7.1. It could be determined that review should not take place of the Statement of Licensing policy however this is a legal requirement and failing to conduct a public consultation at this time would impact the council's ability to have an approved statement in place by the required date.



Licensing and Regulatory Committee
14th October 2020

Title: Statement of Licensing Policy Review – Request for public consultation
- Addendum

Lead Officer: Kathleen Rose

Portfolio Holder: Cllr Judith Falp

Public report

Wards of the District directly affected: All

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: Yes

Included within the Forward Plan: Yes

Equality Impact Assessment Undertaken: Yes

Consultation & Community Engagement: Proposed public consultation from 15th
October 2020 to 5th November 2020 (3 weeks).

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		Not applicable
Section 151 Officer		Not applicable
Monitoring Officer		Andrew Jones
Finance		Not applicable
Portfolio Holder(s)		

1. Addendum

- 1.1. Following consultation with the Council's legal advisor, officers wish to amend the consultation period from 15 October 2020 - 26 November 2020 to 15 October 2020 – **5 November 2020**. This is in order to enable Council to consider the recommendation at its meeting on 18 November 2020. As a result, recommendation 2.1 should now read: That the Licensing and Regulatory Committee supports the proposals to hold a public consultation on the Statement of Licensing Policy between 15th October 2020 and 5th November 2020.



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.

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STATEMENT OF LICENSING POLICY

1 INTRODUCTION

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

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

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

1.3 Warwick District Council (WDC) is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population exceeding 138,400 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.

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

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

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

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

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

Public Health as a Responsible Authority

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

2 CONSULTATION

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

3 FUNDAMENTAL RIGHTS

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

4 LICENSING CONDITIONS

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

5 OPERATING HOURS

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

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

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

7 CUMULATIVE IMPACT ASSESSMENT

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the 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 Borough 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.

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.
- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.
- 8.3 The Licensing Authority will, through its Community Safety Partnership devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations to sustain and promote the prevention of crime and disorder.
- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field and in some cases as the primary source of advice in relation to a particular licensing objective.

- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Licensing Authority has specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within the District are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.
- 8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.
- 8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Licensing Authority will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the District.
- 8.11 In relation to premises seeking or holding a premises licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

Promotion of Public Safety

- 8.12 Public safety is not defined within the act, but the Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.13 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone

else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.

- 8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

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

Prevention of Public Nuisance

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

promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.

- 8.22 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

Protection of Children from Harm

- 8.23 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.
- 8.24 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) being used primarily or exclusively for consumption of alcohol.
- 8.25 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures, should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises, but cannot impose conditions requiring the admission of children to any premises.

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

- 8.26 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.27 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.
- 8.28 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own

risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.

- 8.29 The Licensing Authority regards Warwickshire County Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.
- 8.30 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 8.31 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.32 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi-purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.33 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.34 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

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

10 OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the Council's Planning Committee and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning restrictions. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.

Applications

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning, health and safety at work, fire safety and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary

burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.

- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing and Regulatory Sub-Committee determines that it is appropriate for such controls to be re-introduced.

Public Spaces Protection Order

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

11 BEST PRACTICE SCHEMES

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

12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 12.1 By consulting widely prior to this policy statement, the Licensing Authority has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.

- 12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-

- The needs of the local tourist economy, to ensure that these are reflected in their considerations;
- The employment situation and the need for new investment and employment where appropriate; and
- The general impact of alcohol related crime and disorder.
- The general impact of alcohol related harms to health.

Crime Prevention Strategies

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

Duplication

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

Promotion of Equality

- 12.5 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination, harassment and

victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

13 ENFORCEMENT

- 13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting. This provides a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate enforcement policy in respect of licensing.
- 13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.
- 13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.
- 13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing enforcement policy. These options include:
 - Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
 - Written warning – this is a step-up from verbal advice and holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.
 - Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of non-compliance remain a more formal

enforcement option further up the scale may be selected in order to achieve compliance.

- Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.
- Prosecution – Under the Licensing Act 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.
- Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

- 14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established Sub-Committees to determine some matters under the Act.
- 14.2 The Council's Constitution defines those responsibilities and is available for inspection on the Council's website, but a summary of responsibility is set out in Table 1 below.

14.3 Table 1:

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

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

Application forms And Process

14.5 All application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.

14.6 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

- 14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.
- 14.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

15 COMMENTS ON THIS POLICY

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

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

Email: licensing@warwickdc.gov.uk

APPENDIX 1 – Set of Model Conditions

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

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

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

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

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

Guidance for operating schedule

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

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

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

Prevention of Crime and Disorder

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

15. Any door staff register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or a Police Constable and will be retained on the premises for a period of 12 months from the date of the last entry.
16. The Premises Licence holder / Designated Premises Supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The Premises Licence holder / Designated Premises Supervisor will ensure that staff receive training on the policy.
17. CCTV to be installed and the premises licence holder must ensure that:-
 - a. CCTV cameras are located within the premises to cover all public areas.
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
 - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
 - g. Signed off by Warwickshire Police Architectural Liaison officer
18. The Premises Licence holder / Designated Premises Supervisor is to provide the Police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the Premises Licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
19. The Premises Licence holder / Designated Premises Supervisor must notify the Licensing Office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
20. No open vessels to leave the premises at any time.
21. No open vessels to be taken outside the curtilage of the premises at any time.
22. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
23. Only plastic glasses / plastic bottles / toughened glass to be used in the outside areas of the premises.
24. Plastic or toughened polycarbonate (or similar) glasses / bottles will be used when requested by Warwickshire Police.
25. Drinks must only be served in polycarbonate/plastic containers.
26. No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.
27. SIA door staff will be required to remove all alcohol from customers who are queuing to

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

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

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

Prevention of Public Nuisance

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

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

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

33. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of Warwick District Council's Environmental Health service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.
34. No regulated entertainment shall take place in the outdoor areas at any time.
35. The provision of live music shall be limited to no more than two performers.
36. All outdoor entertainment shall be unamplified.
37. Suitable means of ventilation shall be provided and maintained at the premises to enable doors and windows to be closed whilst regulated entertainment is being provided.
38. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
39. The Premises Licence holder (or his/her nominees) will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
40. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (time) hours and (time) hours on the following day.
41. During the hours of operation of the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
42. No collections of waste or recycling materials (including bottles) from the premises shall take place between (time) and (time) on the following day.
43. No deliveries to the premises shall take place between (time) and (time) on the following day.

Public Safety

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

Protection of Children from Harm

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

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

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

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

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

APPENDIX 2 – 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: southwarkliquorlicensing@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



Licensing & Regulatory Committee
14 October 2020

Title: Public Space Protection Orders (Intoxicating Substances)

Lead Officer: Marianne Rolfe, Jon Barnett

Portfolio Holder: Judith Falp

Public report / ~~Confidential report~~

Wards of the District directly affected:

Contrary to the policy framework: NO

Contrary to the budgetary framework: NO

Key Decision: YES

Included within the Forward Plan: NO

Equality Impact Assessment Undertaken: NO

Consultation & Community Engagement: Public Consultation

Final Decision: YES, for L&R

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	5/10/20	Andrew Jones
Head of Service	5/10/20	Marianne Rolfe
CMT	5/10/20	Andrew Jones
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	5/10/20	Judith Falp

1. Summary

- 1.1. The report provides an update as to the public consultation which has taken place in regard to the Public Space Protection Orders (Intoxicating Substances) (PSPO) and makes recommendations as to the variation and implementation of a PSPO.

2. Recommendation

- 2.1. That the Committee agree the variances to the existing order district wide restricted drinking zone in order to create a district wide intoxicating substances zone.
- 2.2. That the Committee agree to the adoption of the PSPO for the next three years.

3. Reasons for the Recommendation

- 3.1. On the 8th July 2020 the Licensing and Regulatory Committee agreed to undertake a public consultation regarding proposals to changes to the existing PSPO which is due to expire on the 21st October 2020.
- 3.2. The public consultation in regard to the proposals began on the 14th July 2020 and ran until the 11th August 2020. The results of which are included as appendix 1 (response received via the online consultation platform) and appendix 2 (correspondence as outlined in 3.5).
- 3.3. In accordance with the legislation, the following stakeholders were consulted:
 - All holders of premises licences within the district.
 - All District Councillors, Parish and Town Councils.
 - Warwickshire Police
 - Public Notice in the newspaper
 - Web and social media sharing of the proposals.
- 3.4. It is proposed that the existing Restricted Drinking Zone PSPO is varied to create an Intoxicating Substances PSPO. This would make it an offence for a **person 'without reasonable excuse' to fail to comply with a police officers or designated officers request in terms of ingestion, inhalation, injection, smoking or otherwise use of an intoxicating substance if it was believed by that authorised officer that the continuation of the use of those intoxicating substances would lead that person to carry out anti-social behaviour.** The proposals are contained in appendix 3.
- 3.5. An authorised officer could request that the consumption of substances is stopped and or request for it to be surrendered.
- 3.6. The responses received via the online consultation platform showed that 80.2% were in favour of the introduction of the intoxicating substances zone. (91 responses). In addition, correspondence of support has been received from licenced premises and organisations within the district. See Appendix 2.

- 3.7. As outlined in the previous report, the legislation for PSPOs outlines that if orders are varied, extended or discharged, there are statutory requirements regarding publishing or publicising of this and that a consultation process is required.

4. Policy Framework

4.1. Fit for the Future (FFF)

- 4.1.1. 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.

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities – Anti-social behaviour can significantly impact upon quality of life. The level of crime and disorder is cited as the top consideration when deciding on where to live. Whilst nationally statistics demonstrate that alcohol and other intoxicating substances are a major contributory factor to anti-social behavior, violence and criminal damage.

Services - Green, Clean, Safe - PSPOs enable a preventive and if necessary an enforcement approach resulting in reducing crime and disorder thus allowing communities to enjoy the district's public open spaces

Money- Infrastructure, Enterprise, Employment – PSPOs help police and the Council to safely manage the night time economy and the districts spaces ensure people enjoy the safety and vibrancy of the town centres thus helping to boost the local economy

4.2.2. Internal impacts of the proposal(s)

People - Effective Staff – no impact

Services - Maintain or Improve Services – no impact

Money - Firm Financial Footing over the Longer Term – no impact.

4.3. Supporting Strategies

- 4.3.1. This report does not directly impact on any of the supporting strategies of Fit for the Future

4.4. **Changes to Existing Policies**

4.4.1. The report does not bring forward any changes to any existing Council Policies.

4.5. **Impact Assessments**

4.5.1 The government guidance on PSPO states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The PSPOs will apply to all individuals committing anti-social behaviour within the designated areas, without discrimination. No particular group should be disadvantaged through publicity or enforcement of the PSPOs.

5. Budgetary Framework

5.1. There is a cost incurred by the adoption of the new PSPO as the signage throughout the district will require replacement. It is envisaged that this will be met from existing budgets. The estimated cost for new signage is 5k.

6. Risks

6.1. **Not having valid PSPOs in place will have an impact on the officer's ability to educate, engage and enforce on alcohol and drug related anti-social behaviour across the district. This may have a detrimental effect on the reputation of the Council by:**

- a. People drinking alcohol and taking intoxicating substances and engaging in anti-social behaviour as a result.
- b. Encourage large gatherings in public spaces against current government guidance.

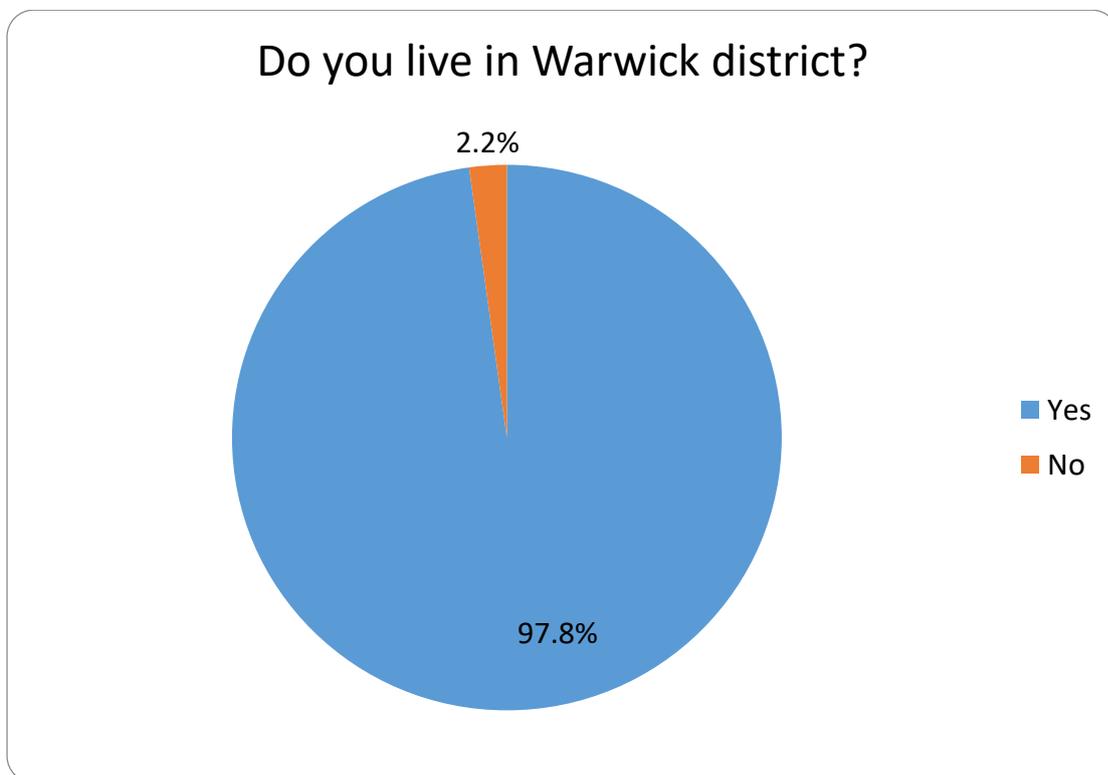
7. Alternative Option(s) considered

7.1. The renew the existing PSPO without alteration. However, the public consultation has shown overwhelming support for the proposed changes to the PSPO. This would also prompt a further consultation to allow stakeholders to provide feedback on the proposals. Alternatively, a decision could be taken to removal the existing orders in relation to the current district wide restricted drinking zone. This would also require consultation with relevant stakeholders. As outlined within the report the feedback received outlines overwhelming support for the proposed changes.

Appendix 1: Public Consultation Data – Proposed Intoxicating Substances PSPO

Question 1.

Do you live in Warwick district?		
Answer Choice	Response Percent	Response Total
1 Yes	97.8%	89
2 No	2.2%	2
<i>answered</i>		91
<i>skipped</i>		1



Question 2.

If 'Yes', please provide your postcode		
Answer Choice	Response Percent	Response Total
1	100.0%	89
<i>answered</i>		89
<i>skipped</i>		3

Question 3

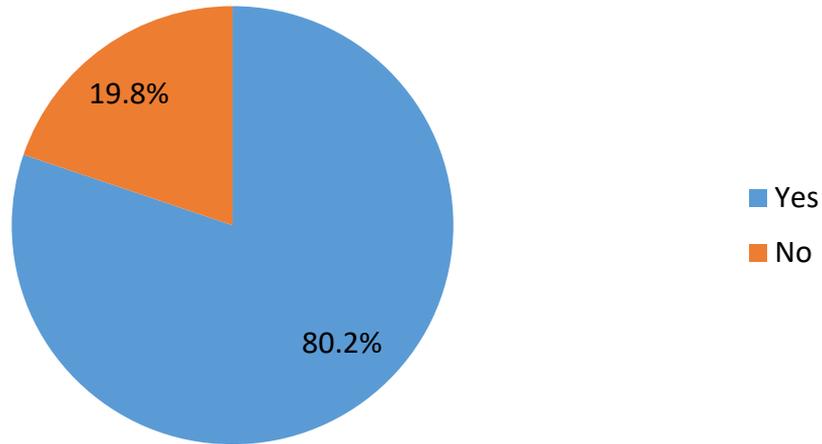
Are you in favour of the introduction of an Intoxicating Substances PSPO, which could make it an offence for any intoxicating substance to be ingested in any way in a public space?

Note: In relation to the consumption of alcohol, it is an offence not to comply with the direction of a designated officer to relinquish your alcohol when instructed.

Answer Choice		Response Percent	Response Total
1	Yes	80.2%	73
2	No	19.8%	18
		<i>answered</i>	91
		<i>skipped</i>	1

Are you in favour of the introduction of an Intoxicating Substances PSPO, which could make it an offence for any intoxicating substance to be ingested in any way in a public space?

Note: In relation to the consumption of alcohol, it is an offence no



Question 4

Please state why		
Answer Choice	Response Percent	Response Total
1	100.0%	82
answered		82
skipped		10

- The fine is ridiculously high and will plunge people into debt. I have a secure salary and would still face huge issues if fined that much.
- . The measures don't have a rehabilitative purpose. They just make people hate the council.
- Having a beer in the park isn't the same as drinking for 12 hours straight. The Street Marshalls are aggressive and seem to primarily profile people who look younger."
- To reduce anti-social behaviour.
- Because I've only seen it target those who are not causing trouble. Those abusing substances are left alone due to risk of involvement.

- Too restrictive. Many people may consume alcohol with a picnic in public parks, or while smoking outside bars or restaurants. A full ban in all public spaces is overkill.
- As lockdown is being eased, antisocial behaviour is becoming more of a problem. I have personally witnessed a few incidents myself.
- I can observe the use of intoxicating substances in public places most days out in Warwick. This goes with the litter of bottles, cans, silver cylinders, balloons, and other paraphernalia AND with antisocial behaviour towards almost everyone not just in the parks but in the streets and along the canal. It's frightening.
- Because it leads to increasingly antisocial behaviour and those doing it usually don't moderate themselves.
- Anti-social behaviour generally results from public intoxication in our present age.
- To try and keep people and property safe .
- As a retired criminal lawyer I am aware that the vast majority of public order offences are the result of alcohol. Public spaces are safer for the rest of us if those who over indulge are reined in.
- It is clear, from the increase in needles and Nitrous Oxide cannisters around Town, that there is a significant amount of ingestion and inhalation of intoxicating substances around Leamington. The paraphernalia associated with these activities are often discarded where used in the public place, creating a health risk for anyone else going past, and causing harm to the environment through littering. The use of these substances in the public realm also are leading to individuals being in public places in a mindset that they think it is ok to harass others, shout and scream, and make people going about their business very uncomfortable and unsafe.
- Over the last few years there has been a marked increase in the consumption of illegal recreational drugs in a number of locations, especially alleyways, in South Town. Additionally, it is now not unusual to smell cannabis smoke, where it is being openly consumed in public.
- Anything that makes the area a safer place to be is welcome. This includes being able to enjoy the outside spaces. Pity you can't prohibit smoking tobacco in these areas too.
- DRINKING IN PUBLIC CAUSES OFFENCE, CREATES NOISE, and generates litter. It is anti-social. However there are times when it might be acceptable - eg a picnic on a summer's day??
- Increasing use with potential to create public disorder - treat the same as alcohol - not to be consumed in public places for the benefit of all residents safety & well being
- For safety reasons. If I don't want to mix with intoxicated people I don't visit a pub but I shouldn't have to avoid parks etc. Also not what you want children/young Park users to see.
- I think that this ensures everyone's safety and comfort - including those who want to take intoxicating substances, i.e. they will need to be in a private (normally) indoor place.

- To continue to manage the level of disruption that may be caused if this is not implemented. Living near a public house/B and B that has been housing the homeless we have already had significant disruption requiring police support.
- Anything we can do to help prevent young people getting involved in drugs has got to be promoted
- As Covid-19 effects will continue to be felt for some time, there is going to be an increased desire for people to congregate outdoors. This congregation will need a mechanism for managing any unruly behaviour which does arise.
- "We live in Lillington opposite Black Lane and Campion Hills/ Newbold Comyn. I run litter picking sessions so get a real insight into public behaviours in the area via the litter, mess that's left.
- I've called on local Councillors to push for a no drinking zone on Black Lane for some time - as it becomes a hotspot for brawls, gatherings & domestic violence on the street. The area is also littered with lager cans, we collect literally hundreds. We also collect a lot of NO capsules.
- Newbold Comyn, during the summer particularly, is a gathering area for parties, usually underage - this summer I've collected hundreds of NO capsules from the Comyn. I have photo evidence. With this comes disposable BBQs left & creating fire risk and bags & rubbish.
- It's about time that certain public spaces, lanes etc became no drinking zones to reduce anti social behaviour, drug activity & make these areas suitable for families, young children etc. "
- Too many drunken young people
- In principle it makes sense if the present rules continue to apply and be used in a balanced sensible way viz - The current PSPO can be used to restrict the drinking of alcohol in a public space where this has, or is likely to have, a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature and unreasonable.
- The Order does not make it an offence to drink alcohol in public place. An offence is only committed if the person continues to drink alcohol after being asked to stop or refuses to hand over any alcohol. Police or designated Council Officers will only exercise their powers under the Order in relation to "problem" drinking."
- Focus should be on tackling the causes of use of intoxicating substances rather than on punishment of the users
- I live daily with anti social behaviour, alcoholics and drug users use the pathway to our homes, surrounded by students we also suffer from night noise...I could continue...
- Social distancing and alcohol/drugs don't mix.
- I have previously complained about cannabis smoking in Abbey Fields in Kenilworth which has lead to anti-social behaviour. This is a beautiful park used by families and dog walkers. I do not want it spoiled by antisocial behaviour

- People should be free to enjoy alcohol in public spaces, for example a beer in a park after work, or wine with a picnic is not causing any problems
- If this is what we already have in place in the District - how effective is it? It's not so much about having the PSPO in place but whether it is enforceable. I would like to know how often it has been used and to what extent IE fines or bans?
- As I understand it the current legislation will allow officers to ask people to desist from drinking alcohol in public places if things are seen to be getting out of hand. That seems reasonable. To change this to prevent intoxicating substances being 'ingested in any way in a public space' would prevent people having perfectly innocent picnics etc. That would be ridiculous. A law badly drawn is a bad law. What needs to be done is to have the law drawn so that it allows intervention in the cases of drug-taking that occur quite openly.
- we are happy for this introduction as in our opinion with out it could lead to unsocialable behaviour in public places which which is very hard to control.
- To help stop anti social behaviour
- Rowdy and offensive behaviour in the Town Centre and surrounding residential streets is unacceptable.
- It's a measure to prevent unacceptable and anti social behaviour. It should help to safeguard vulnerable people from using and/or accessing or dealing in drugs.
- It protects the majority from the antisocial behaviour of a disruptive minority.
- The areas in question should provide as far as possible, a calm and non-threatening environment for the peaceful enjoyment of individuals, families and groups of friends.
- If the consumption of alcohol is to be banned so should the eating of chips, burgers and other take -away foods, which are not only unhealthy but result in litter that is just as offensive.
- Exactly for the good reasons it is set up - deal with anti-social behavior - protect the local community's quality of life
- Less intimidating
- It sets a poor example for those seeing it who are not able to understand the implications of drug taking
- Too many people lack the self discipline of moderation, nor much consideration for others: their behaviour significant impedes the quiet enjoyment of these spaces by the majority of residents of Warwick district.
- To enable Police and other authorities to take action in the event of adverse behaviour resulting from ingestion of toxic substances.
- There is drug use that needs to be stopped
- "There are no problems in the Centre of Warwick and Warwick District Council put too many restrictions on businesses and public with the effect that the town becomes a ghost town!! If there is a problem then I believe that the police can deal with this accordingly.
- Because both create antisocial behaviour and then become time consuming to manage. Also it's not nice being around people drunk or high in our public spaces.

- Consumption of alcohol in public space leads to vandalism and broken glass in area especially around children's play equipment.
- Prevention of antisocial behaviour
- Have noticed loads of empty canisters littering our parks recently which are not a pleasant sight and dangerous for children and animals who may pick them up.
- It is fine to drink in the outdoor spaces in a pub, bar or restaurant, but it should only be within licensed outdoor areas.
- "Litter
- Antisocial behaviour
- Public urination"
- Antisocial behaviour problems
- I am in favour as antisocial behaviour due to intoxication in public spaces is a problem
- It is harmful to our society and culture. Children are led by example, and outdoor use normalises such behaviour for adolescents meaning society develops negatively. Ingestion of substances is injurious to mental health in a large percentage of cases. 'Controlled" limited and indoor substance use, eg bars, opium dens, has evolved in most civilized societies, and society has to operate this way for protection of all.
- Alcohol consumption in public often leads to antisocial behaviour.
- I think this would reduce anti social behaviour
- The potential for anti social behaviour in a public arena
- Overconsumption of alcohol is socially disruptive
- Countless drug related violence and abuse around our neighbourhood spilling out of the black horse pub.
- Drunk people can be offensive and not always able to control their actions which may cause harm to others.
- To enhance the preservation of good order.
- I suffer from drunks in my area outside in New street burial ground and Gordon passage which is the access to my home
- The consumption of intoxicating substances lowers inhibitions and while this could mellow some individuals, others could become aggressive which could increase chances of anti social behaviour
- Observations made myself whilst walking my dog in the local area. There has been a recent increase in young adults gathering since the relaxation of lockdown measures and upon repeat walks it is clear alcohol is being consumed and litter left behind. I have also observed intoxicated adults at the shops at Warwick Gates recently.
- For the safety and peaceful enjoyment of outdoor spaces by all citizens, this makes sense.
- To make the streets safer with less antisocial behaviour
- increasing levels of other intoxicating substances are being used and evidence of this is found on the streets and in parks/open spaces i.e. cannabis smoking and legal high capsules are in shocking numbers.

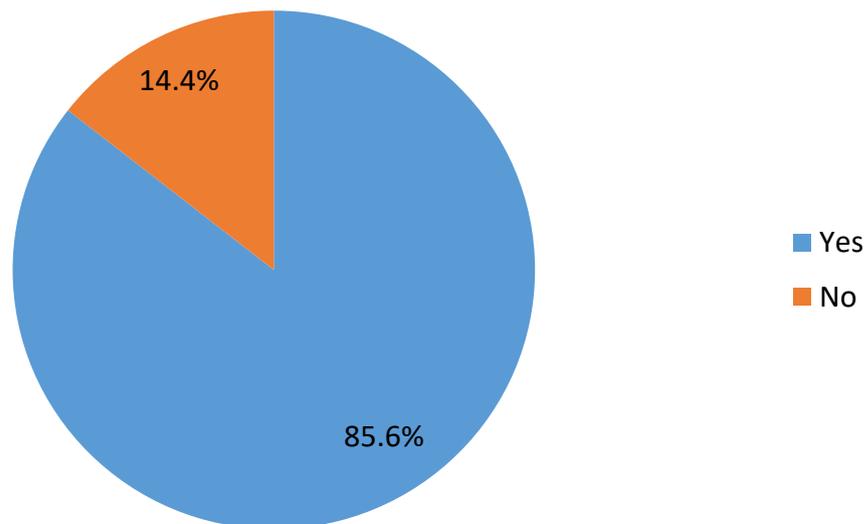
- Although in principle it seems a great idea, the reality is that the management of these schemes is never followed up. How many fines have been issued in the last 2 years with the current drinking zones? My guess would be zero! Education through conversations would be a better, cost effective proposal.
- Although in principle it seems a great idea, the reality is that the management of these schemes is never followed up. How many fines have been issued in the last 2 years with the current drinking zones? My guess would be zero! Education through conversations would be a better, cost effective proposal.
- Because of COVID 19 Licensed premises should be allowed to use outside space to serve customers with alcohol. Businesses's need support to continue to trade and employ staff. This exception should only apply to those businesses who currently hold a license to trade alcohol. Drinking alcohol in other public spaces and sniffing gas canisters should be an offence.
- Major cause of ASB & littering. Deters families from enjoying public spaces.
- Anti social behaviour will be better controlled with regulations in place.
- To reduce Antisocial behaviour.
- I do not like to see intoxicated people creating public disorder, vandalism and scaring people in their homes, walking through the streets or 'hanging' out at known meeting points.
- "It is an arbitrary and ideological curtailment of individual liberty.
- Public drinking may cause many issues for many people, ranging from some people not really liking it, through to disorderly nuisances being caused.
- It is not however illegal under statute, and there are mechanisms to deal with disorderly behaviour, and statute to underpin those mechanisms.
- If public drinking (and/or ingestion of other intoxicating substances) is becoming such a problem in WD (and personally I have not seen much evidence of this) then surely it speaks to more of a community/societal problem, the roots of which will go deeper than simply ""people out for a good time"". If this is the case, then simply prohibiting it is a lazy and short sighted way to deal with it. Moreover, it will only deal with the behaviours, not the causes."
- To enable control of difficult spaces as part of a strategy to address the underlying issues that may lead to the alcohol / behaviour issues
- ASB related to drug use is on the increase and hamrs residential amenity.
- This could be interpreted in a very broad manner and result in reasonable drinking behaviour in a park for example. For years there was no bar a the Peace Festival because of similar legislation. I am concerned that it might affect on street tables that are part of a cafe. You need to be very clear about consquences of pspo's
- I live near to Jephson Park and in an area densely populatedby student HMO's and the Homeless shelters. This means a lot of noise, people drinking and defacating in street and alleyways; people 'hanging out' by the footbridge and entrance to the park and on Mill Road(childrens play area).(also used for drug dealing) I would welcome any deterrent to these regular occurancies.
- I think it should be allowed to drink alcohol during certain hours eg; during a conce

- Will lead to a reduction in anti-social behaviour. This needs to include S Leamington (not just the town centre), and to be policed appropriately.
- too restrictive; adults must be allowed to make their own decisions. If they drink alcohol and then become rowdy or cause a nuisance, then they should be dealt with appropriately. A blanket ban is an overkill and takes away adult freedom to make a decision.

Question 5

Are you in favour of the overall renewal of the Public Spaces Protection Order relating to Restricted Drinking Zones?		
Answer Choice	Response Percent	Response Total
1 Yes	85.6%	77
2 No	14.4%	13
<i>answered</i>		90
<i>skipped</i>		2

Are you in favour of the overall renewal of the Public Spaces Protection Order relating to Restricted Drinking Zones?



Question 6

Please state why		
Answer Choice	Response Percent	Response Total
1	100.0%	79
<i>answered</i>		79
<i>skipped</i>		13

- Community safety
- As I previously said, this doesn't do anything other than reduce trust in the council and its officers. It's a one size fits all solution to a more complex situation.
- Public safety.
- All this seems to have done is punish people behaving more or less responsibly while pushing abusers into suburban areas where patrols and police conveniently seem to ignore them.
- Control in certain problem areas and at certain times has proven itself to be effective.
- Alcohol can be a contributing factor in many instances of antisocial and disruptive behaviour.
- See above, to keep anti social behaviour down. Recent measures should have helped the homeless to a new start, hopefully not involving sitting around drinking.
- As previous, because people won't self moderate.
- People who are even just slightly merry are less likely to social distance. Also drinking alcohol in public places sets a bad example to youngsters.
- A voluntary code won't, alas, be of practical use.
- As outdoor drinking is likely to become the norm because of coronavirus the likelihood of drink fuelled anti social behaviour can be wherever a pub or bar is near. The order needs to be as comprehensive as possible.
- The Restricted Drinking Zone surely has proven to be effective; the ability to confiscate alcohol from large groups of people street-drinking on the way to bars and clubs means a reduction in the number of ASB incidents in and around clubs and bars, as well as a reduction in the potential welfare incidents to individuals from excess drinking. The impact of alcohol means that individuals feel more liberated to do and say things that are anti-social and unacceptable, which manifests itself in a number of ways on the street. I have witnessed incidents of street-drinkers (particularly along the Radford Road and by Packington Place) feeling able to hurl racist, sexist, and homophobic abuse at passers by, as well as generally harass people just going about their business. Drinking in public places also leads to excess

noise, which can cause health problems for individuals leaving in houses nearby - particularly at night time.

- Although the existing zone seems to be regularly breached, if it were to be lapsed, there would be no control over the consumption of alcohol in public spaces, and an increase in antisocial behaviour.
- It allows the police to move people/problem drinkers away from sensitive areas.
- Positive impact - enforcement
- It seems to be working - let's keep it that way.
- Excessive drinking in public spaces can be unpleasant and intimidating for the public.
- Everyone enjoys a drink but alcohol is a drug and the use should be restricted to licensed establishments to ensure everyone can enjoy our beautiful towns
- As Covid-19 effects will continue to be felt for some time, there is going to be an increased desire for people to congregate outdoors. This congregation will need a mechanism for managing any unruly behaviour which does arise.
- Because people clustering with their lager cans or walking home from the pubs with more drink is always a recipe for antisocial behaviour. From brawls, to vandalising street furniture, to inter- couple abusive behaviour to littering. Nothing good comes out of it.
- Problem consumption can arise in any locality in the District. Police and Officers need to be able to deal with it wherever it occurs.
- I don't think that they are necessary
- Yes but no if as last time it was implicated in town centre pushing offenders into our residential neighbourhood
- I want to ensure that the authorities have the requisite powers to deal with alcohol or illegal substances abuse in both recreational areas and on high streets.
- Perhaps it needs to be more targeted
- Yes, per my comment above - as long as it is not used to stop people having a picnic and the like. It should be used only to step in when behaviour becomes unacceptable.
- As before in these challenging times we must keep control as much as possible.
- Should be addressed to areas identified as a problem rather than a blanket policy
- Again it inhibits anti social and unruly behaviour. I think it is also an aid for police in controlling large gatherings of any kind and in maintaining public safety.
- EXCESSIVE consumption of alcohol frequently leads to unpleasant disturbances.
- PSPOs are totally unnecessary and are far from being evidence - based - relying more on the outcries from the killjoy "disgusteds" of wherever to support such measures.
- Too many people lack the self discipline of moderation, nor much consideration for others: their behaviour significant impedes the quiet enjoyment of these spaces by the majority of residents of Warwick district.
- To prevent anarchy on the streets
- As above, however I believe that there was a problem with youth drinking behaviour in the park and if this was the case on a regular basis then this restriction should stay in place to be able to control this.

- Drinking should be done in pubs not public spaces.
- Because I am fed up with the number of cans and bottles (alcohol) littering the streets
- Because it makes the town a safer and more pleasant place to visit.
- Again, consumption of alcohol should be under the supervision of licensed premises
- To prevent/reduce the incidences of that already described
- Problems increasing locally with young people drinking and leaving cans, bottles and litter.
- It should be reviewed and extended at regular intervals anyway as things change. New areas spring up for Antisocial behaviour through time and the views of local people should be canvassed for this.
- To maintain law and order
- I do not believe that drinking to excess in a public place is anything that the wider community need to see & all the detriment it leaves behind, like vomit, litter etc.
- There needs to be the power to be able to stop people drinking when things are getting out of hand in a public arena
- Overconsumption of alcohol is socially disruptive especially in public spaces.
- Leamington Spa is usually a pleasant place to be as most people are considerate of others. If alcohol could be drunk in all places, some people will be less inhibited and may not keep their behaviour in check so as not to offend anyone.
- I feel under siege from alcohol and drug users
- As it safeguards the general populace from potential anti social behaviour
- Clear rules are still required about acceptable behaviour in our towns. This is something consistent due to how some people choose to live especially after such restrictions as lockdown.
- To make the streets safer with less antisocial behaviour
- Minimises the risk of harm alarm and distress to other members of public and workers going about their business. Crime and Anti-Social behaviour all increase when alcohol and intoxicating substances are consumed in open spaces where numbers of people gather.
- As stated above, the signs are dotted about all over the town but nobody seems to enforce the rules, police are too busy to be bothered and council have no one out issuing fines.
- As stated above, the signs are dotted about all over the town but nobody seems to enforce the rules, police are too busy to be bothered and council have no one out issuing fines.
- Overview it in order to meet the change in the economy due to Covid 19 and allow licensed premises to trade outside their premises in a sensible manner
- To reduce Antisocial behaviour.
- We often see roudy drunken youths with bags of alcohol. They often leave their empties in the street.
- Yes though I have not seen any evidence of its impact.

- Only if flexible and for events, not blanket bans. You fail in this survey to explain what these are also, why only yes / know responses? why not maybe or not sure?
- What is in place currently, does not seem to be working
- I think there should be some control but also some freedom during events open to the public
- Too many incidents of anti social behaviour occur amongst groups of people , often rough sleepers , in the south of the town. Self regulation is not easily practised by these groups .Alcohol and other substances, mostly consumed in the streets and parks fuel the incidents

Question 7

Are there any areas of the District that you feel require particular attention?		
Answer Choice	Response Percent	Response Total
1	100.0%	72
<i>answered</i>		72
<i>skipped</i>		20

- Packington place. Area of William walsgrove house
- Newbold Comyn bins are overflowing from picnics.
- "It is still sad to see so many homeless on the streets in and around Leamington.
- Rather than spending money trying to enforce this particular set of rules we should be investing in ways to help these people. Help them break addiction and supporting their integration back into society "
- Most areas are identified already.
- I can only speak for my own recent experience; in the past few months I have noticed a few episodes of antisocial behaviour in the new Harbury Lane housing estate (near the primary school) and the wider Heathcote area.
- "Around Tesco bridge in Emscote Road;
- Carpark of Nelsons Workers Club
- Carpark at St Nics especially where the old coach house was; between 19.00 and 21.00 smoking weed in cars then driving off.
- Carpark of Fleur de Lys Court, dealer activity, inhalation from cylinders and weed smoking. "
- No
- Parks and greenways on estates
- North-west corner of Abbey Fields, the wooded area.

- No should apply all over our area
- Main streets- eg. The Parade, Warwick Road, Kenilworth, and open spaces such as Abbey Fields and Nicholas Park. What is just as important are the small recreation grounds that have children by day and get littered with cans and bottles by night. The one in Kenilworth between Brooke Road and Whitemoor Road has a tip of them in the long grass. It cannot be a pleasant or particularly safe place for late evening dog walkers.
- Along the Radford Road; near to Packington Place; near to Bath Place; Newbold Comyn; along the Canal.
- The 'Circles' pocket park off High Street, Parish Church Lawn, alleyway parallel to George Street.
- South Leamington
- Outside Warwick Gates shops/doctors/community centre.
- I think the police are probably best placed to identify any problem areas.
- I think parks,open spaces or areas where there are more children Resident may be something to consider
- Yes, Black Lane, Campion Hills and Newbold Comyn - Leamington Spa
- St. Nicholas Park
- Old Town, some parts of Leaming Town Centre, occasionally parks across the District. But that's just a personal view - what is the Council and Police experience ?
- satchwell Place and New street
- The residential streets in Old town, off Clement Street/Radford Road etc. Fed up of hearing/seeing drunks congregating, then dispersing loudly, swearing at people etc (sometimes trying car doors on their way past)
- None.
- Teenagers regularly smoke cannabis around Warwick Gates parks.
- "Certain 'hot spots' in South Leamington such as Packington Place or the crossroads at High St/Clemens St/Bath St.
- However if there is already a PSPO in place across the District - it has not been very effective in dealing with these areas which relates to my question/comment about how practical is it to enforce such an order?"
- In terms of intoxicating substances, the drug problem has become a lot worse. It should also be applied to issues at student HMOs and PBSAs (of which there are too many in a concentrated area).
- Town Centres , Warwck street, regent street & the Parade
- Abbey Fields Kenilworth
- Town Centre bars (not restaurants, bars)
- Abbeyfields, Kenilworth late at night.
- We should be consistent in prohibiting antisocial behaviour fuelled by drink and drugs everywhere.
- Not that I am aware of in Kenilworth
- Leamington town center, day and night.
- All parks

- Not sure
- Town centres and areas of recreation
- Windmill rd.
- No
- Acre Close playing field
- Newbold Comyn hills
- Newbold common in particular.
- In Leamington - The Neighbourhood and Wetherspoons
- "Any parks/open spaces around the district
- Town centres
- Old Town"
- Warwick Gates Estate particularly parks and green spaces.
- Whitnash has a lot of silver canisters everywhere. Also breath tests for drivers should be increased on Fri/sat nights
- The police and local people should suggest these. In Kenilworth Castle Farm is an area that needs supervision, also Abbey Fields areas close to the river and known drug dealing points eg Finham Rd.
- Old town
- No
- Bottom on Shrubland St at the entrance to Eagle Rec can sometimes be problematic...
- Black horse pub is a drug capital of Warwick and a scourge on our beautiful town.
- Trinity school playing fields sometimes have groups of people who are loud and sound out of control late in the evening until the early hours.
- "Bedford Street, Leamington Spa
- The Parade, Leamington Spa
- Warwick Street, Leamington Spa
- Regent Street, Leamington Spa"
- Yes satchwell place
- St Mary's Lands and some other parks in Warwick have seen an increase in the consumption of intoxication substances by some individuals. This could potentially be hazardous if smoking illegal substances is performed in areas that are very dry, as when inhibitions decrease then possible carelessness with lighters and unstubbed out 'spliffs' will create a fire hazard.
- I would choose my own area as the parks have reopened there has been a noticeable increase in older children misusing the parks late into the evening.
- In addition to the existing areas I feel locations around train station and alleyways are fast becoming the new place for groups to gather/individuals to use to take intoxicating substances. Also along river embankments/under bridges across Leamington & Warwick
- I think the towns parks could be looked at, perhaps giving extra powers to the rangers to issue fine for non compliance.

- I think the towns parks could be looked at, perhaps giving extra powers to the rangers to issue fine for non compliance.
- Public parks
- Abbey Fields
- "Outdoor smoking areas to be further restricted to protect non smokers from passive smoking. As a cafe culture increases we need to make these areas safe for non smokers.
- The pungent smell of cannabis has been more noticeable with people having picnics. Street marshalls or community police enforcement would assist too. "
- "Victoria Park,
- BISHOPS GATE Estate off Harbury Lane.
- Coop Park Warwick gates
- Mc Donald's on Europa way
- Tachbrook road"
- "Kenilworth Common, entrances to it particularly near shops where they have just loaded up with alcohol.
- I would apply my answer to Q4 across the whole district
- No
- "1) Drug user ASB in alley ways e.g. littering of needles and leaving human waste.
2) Fly tipping outside HMO properties, it is an increasing problem and blights the area, giving rise to ""broken window syndrome"", further increasing crime level.
- Tatchbrook road, Clemens street, high street and Brunswick street as it is clear that there is much street drinking in these areas, often by students.
- Apart from what has already been stated, the South Leamington area - in particular around the footbridge over the river and entrance to the childrens playground. The Parish Church garden and the small park on New street.
- All areas have problems. Youths drink alcohol in all public spaces and leave empty cans and bottles in the ground
- "South town .
- Parka and Playgrounds tucked away from public scrutiny- eg the little play ground . Between rugby road and the Dell.
- The dell
- The Burial ground park In New street
- The alleyways around satchwell place "
- South Leamington (especially Brunswick Ward and with attention also to student behaviour).

Appendix 2: Responses from Licenced Premises & Orgnaisations

1. Re: Public Spaces Protection Orders consultation – Intoxicating Substances

We write further to your letter of 13th July 2020.

We whole heartedly support the renewal of the Public Spaces Protection Order for the entirety of the district.

2. RE: PUBLIC SPACES PROTECTION ORDERS CONSULTATION – INTOXICATING SUBSTANCES

Thank you for your letter of 13th July 2020 seeking the views of businesses in the Warwick district on the renewal of the district's Public Spaces Protection Orders.

The Heart of England Co-operative Society agrees that keeping this in place could potentially assist during an incident. We support the implementation of an 'Intoxicating Substances' order to cover Warwick district for the next three years.

Appendix 3: Proposed Order – Intoxicating Substances

Intoxicating Substances are defined for the purposes of this order as Alcohol and any other substance which have the ability to suppress and/or depress the bodies central nervous system

Restrictions – District Wide

Alcohol

The order will allow a police constable or authorised person to require a person, in a designated public place:

- Not to drink alcohol in that place if the officer or authorised person reasonably believes that a person has consumed alcohol or intends to do so.
- To surrender the alcohol and any opened or sealed containers in the person's possession.
- Any person who fails without reasonable excuse to comply with an officer's request may commit an offence and be liable to prosecution and/or a fine not exceeding £1000.

Please note - The Order does not make it an offence to drink alcohol in public place. An offence is only committed if the person continues to drink alcohol after being asked to stop or refuses to hand over any alcohol. Police or designated Council Officers will only exercise their powers under the Order in relation to "problem" drinking.

Additional Intoxicating Substances

The order will allow a police constable or authorised person to require a person, in a designated public place:

- Not to ingest, inhale, inject, smoke or otherwise use other intoxicating substances.
- To surrender the additional intoxicating substances when requested to do so.
- Any person who fails without reasonable excuse to comply with an officer's request may commit an offence and be liable to prosecution and/or a fine not exceeding £1000.

Fixed Penalty Notices

A Constable or authorised person may issue a fixed penalty notice of £100 if it believed that a breach of the above order has taken place.



Licensing & Regulatory Committee
14th October 2020

Title: Public Space Protection Orders (Dog Controls)

Lead Officer: Marianne Rolfe, Jon Barnett

Portfolio Holder: Judith Falp

Public report / ~~Confidential report~~

Wards of the District directly affected:

Contrary to the policy framework: NO

Contrary to the budgetary framework: NO

Key Decision: YES

Included within the Forward Plan: NO

Equality Impact Assessment Undertaken: NO

Consultation & Community Engagement: Consultation with Stakeholders

Final Decision: YES

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	5/10/20	Andrew Jones
Head of Service	5/10/20	Marianne Rolfe
CMT	5/10/20	Andrew Jones
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	5/10/20	Judith Falp

1. Summary

- 1.1. The report provides an update on the stakeholder consultation which has taken place in regard to the Public Space Protection Orders (Dog Controls) (PSPO) and makes recommendations as to the extension of the existing orders.

2. Recommendation

- 2.1. That the Committee agree to extend the existing PSPO relating to Dog Controls for a further three years.

3. Reasons for the Recommendation

- 3.1. On the 21st September 2020 the Licensing and Regulatory Committee agreed to undertake a consultation regarding the proposal to extend the existing PSPO which is due to expire on the 21st October 2020.
- 3.2. The consultation began on the 22nd September and runs until the 5th October 2020. The results of that consultation are included as appendix 1. From the responses received there were no objections to extending the existing orders.
- 3.3. In accordance with the legislation, the following stakeholders were consulted:
 - All District Councillors, Parish and Town Councils.
 - Warwickshire Police
 - The Dogs Trust
 - The Kennel Club
 - Guide Dogs
 - The Jockey Club
 - All other relevant land owners
- 3.4. It is proposed that the existing PSPO regarding dog controls are extended for a further three years without alteration. The wording for the existing orders are contained in appendix 2.
- 3.5. The PSPOs have a term of three years and as outlined in the previous reports, the legislation for PSPOs outlines that if orders are varied, extended or discharged, there are statutory requirements regarding publishing or publicising of this and that a consultation process is required.

4. Policy Framework

4.1. Fit for the Future (FFF)

4.1.1. 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.

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities – Anti-social behaviour including dog related nuisance can significantly impact upon quality of life. The level of crime and disorder is cited as the top consideration when deciding on where to live

Services - Green, Clean, Safe - PSPOs enable a preventive and if necessary an enforcement approach resulting in reducing crime and disorder thus allowing communities to enjoy the district's public open spaces

Money- Infrastructure, Enterprise, Employment – no impact

4.2.2. Internal impacts of the proposal(s)

People - Effective Staff – no impact

Services - Maintain or Improve Services – no impact

Money - Firm Financial Footing over the Longer Term – no impact.

4.3. Supporting Strategies

4.3.1. This report does not directly impact on any of the supporting strategies of Fit for the Future

4.4. Changes to Existing Policies

4.4.1. The report does not bring forward any changes to any existing Council Policies.

4.5. **Impact Assessments**

- 4.5.1 The government guidance on PSPO states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The PSPOs will apply to all individuals committing anti-social behaviour within the designated areas, without discrimination. No particular group should be disadvantaged through publicity or enforcement of the PSPOs.

5. **Budgetary Framework**

- 5.1 There is no cost incurred by the extension of the existing PSPO as the signage throughout the district is still relevant.

6. Risks

- 6.1. **Not having valid PSPOs in place will have an impact on the officer's ability to educate, engage and enforce on dog-related nuisance across the district.** This may have a detrimental effect on the reputation of the Council by:
- a. An increase in dog fouling
 - b. Dogs walked off leads for example on highways and cemeteries
 - c. No method of controlling dogs which are causing nuisance
 - d. Dogs entering children play areas, sports areas and marked pitches.

7. Alternative Option(s) considered

- 7.1. A decision could be taken to removal the existing orders in relation to the current dog controls. This would also require consultation with relevant stakeholders. As outlined within the report the feedback received outlines overwhelming support for the extension of the existing orders.
- 7.2. The existing consultation could move on to a public consultation following a report to committee outlining the proposals for the PSPOs which are reflective of the stakeholder pre engagement activities. However, as outlined previously it is not believed that a fair public consultation can be conducted at this time.
- 7.3. In addition to the above the timeline for such a consultation and report would still require the existing orders to be extended to allow the consolidation of the feedback from the pre consultation process, a suitable public consultation period and the preparation of reports to committee regarding the adoption and or amendments required to the revised PSPOs.

Appendix 1: Consultation Feedback

Kennel Club Response to Warwick District Council Public Spaces Protection Order Consultation

Response to proposed measures

Dog fouling

The Kennel Club strongly promotes responsible dog ownership and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help responsible dog ownership throughout the local area in addition to introducing Orders in this respect. Proactive measures could include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

Dogs on lead – cemeteries; sports grounds, fields and pitches not subject to Dogs Exclusion when in use for authorised sporting facilities; public footpaths crossing race course

The Kennel Club can support reasonable 'dogs on lead' orders which, when done in a proportionate and evidence-based way, can include areas such as cemeteries, public highways, car parks, or on pavements in proximity to cars and other road traffic.

The underlying principle which we seek to see applied is that dog control measures are the *least restrictive* to achieve a given and measurable outcome. This is the approach used by Natural England. We would also recommend local authorities make use of other more targeted and flexible measures at their disposal, such as Acceptable Behavioural Contracts and Community Protection Notices.

Dogs on lead by direction only

The Kennel Club strongly welcomes "dogs on lead by direction" orders, as these allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control whilst simultaneously providing the local authority powers to restrict dogs not under control. We would recommend that the authorised officer enforcing the order is familiar with dog behaviour in order to determine whether restraint is necessary. There is a danger that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to another person who simply does not like dogs.

Kennel Club Good Citizen Training Clubs and our accredited trainers can also help owners whose dogs run out of control due to them not having the ability to train a reliable recall.

Dogs exclusion

The Kennel Club does not typically oppose orders to exclude dogs from **children's play areas, recreational grounds, and racetracks, as long as** alternative provisions are made for dog walkers in the vicinity. We would also highlight that children and dogs should be able to socialise together safely under adult supervision, with having a child in the home being the biggest predictor for a family owning a dog.

The Jockey Club/ Warwick Racecourse Response to Warwick District Council Public Spaces Protection Order Consultation.

Whilst we can't comment on any of the information relating to the wider area, we can report that we are comfortable with the current restrictions around our site (no dogs or pedestrians on the racing surface, out with approved crossing points), provided they are adequately policed.

District, Town & Parish Council Responses

- Given that the decision has been made not to consider including other areas, I agree that the existing Dog Control Orders should be extended for another 3 years or until a public consultation is undertaken.
- Fine to continue with current guidelines but would like to see more enforcement of these rules otherwise it is pointless having them as **most dog owners seem completely oblivious or don't care about** them.
- The Town Council support leaving the agreement as it is for the next 3 years.
- Please can Stoneleigh and Ashow Parish Council request that the playground at Stoneleigh Village Hall and the sports field could also be included in the list of rural dog exclusion areas. – **explained that no changes can be made at this time.**

Appendix 2: Current Orders

1. The Fouling of Land by Dogs (Warwick District Council) Order 2011

To remove faeces deposited by their dog from any land to which the public have access in the Warwick district and which is open to the air (including land which is covered but open to the air on at least one side). Note: This Order will replace and extend the existing controls under the Dogs (Fouling of Land) Act 1996.

Download the order: [The Fouling of Land by Dogs Order 2011 \(66kb, PDF\)](#)

2. The Dogs on Leads (Warwick District Council) Order 2011

To keep a dog on a lead at all times in the following areas:

- Jephson Gardens, Royal Leamington Spa
- Leamington Cemetery
- Milverton Cemetery
- Warwick Cemetery
- Kenilworth Cemetery
- The length of the public footpath (L9a) as it crosses Newbold Comyn Golf Course, Royal Leamington Spa
- All other sport grounds, fields and pitches not subject to the Dogs Exclusion (Warwick District Council) Order 2011, when in use for authorised sporting facilities.

Download the order: [The Dogs on Leads Order 2011 \(62kb, PDF\)](#)

3. The Dogs on Leads by Direction (Warwick District Council) Order 2011

To keep a dog on a lead when told to do so by an authorised officer on any land to which the public have access in the Warwick district and which is open to the air (including land which is covered but open to the air on at least one side). Download the order: [The Dogs on Leads by Direction Order 2011 \(65kb, PDF\)](#)

4. The Dogs Exclusion (Warwick District Council) Order 2011

To prohibit them from taking dogs into any of the following areas:

- Any [clearly demarcated children's play areas \(PDF\)](#), paddling pool, bowling green, multi-use game area, tennis court, or putting green signed as a "dog exclusion zone" (whether the sign uses those particular words and/or symbols having like effect)
- The main racetrack surface at Warwick Racecourse except when directly crossing the track either way at the designated public access points*

- **Mid-Warwickshire (Oakley Wood) Crematorium (excluding the car park areas when used to directly access Oakley Wood)**

*** Please note: by Act of Parliament, The Warwick District Council Act 1984 Section 4. (5)(b) - according to this Act, Warwick Racecourse have the right to close the public footpaths for the entirety of a race day, and for the four days prior to a race day. However, the Racecourse find that a closure window of three hours prior and one hour following are ample for their purposes, for a normal race day. Temporary signs are put in place by the Racecourse on race days to advise members of the public.**

Download the order: [The Dogs Exclusion Order 2011 \(67kb, PDF\)](#)

Comments from the Dogs Trust

My apologies for responding to your kind invitation for us to offer comments on the extension of the dog control PSPO orders, slightly later than the specified deadline.

Thank you for making us aware that Warwick District Council is planning to extend a series of Public Space Protection Orders, and inviting us to comment on the orders. Please find some comments for consideration below

Dogs Trust's Comments

1. Re; Fouling of Land by Dogs Order:

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance, we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.

2. Re; Dog Exclusion Order:

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

3. Re; Dog Exclusion and sport pitches

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags

4. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.

- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

5. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

I would also like to bring your attention to the similar recommendations stated in the Government's 'Anti-social behaviour powers -Statutory guidance for frontline professionals' document, pages 52/53.

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. If you are interested, I can send you a copy of our Services Guide, a document listing the ways in which we may be able to help with promoting responsible dog ownership in your community. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.