Licensing & Regulatory Panel

Thursday 21 August 2014

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Thursday 21 August 2014 at 10.00am.

Membership: Councillors Guest, Mrs Knight and MacKay

Emergency Procedure

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

Agenda

1. **Appointment of Chair**

   To appoint a Chair for the meeting.

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 entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. 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.

   <u>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.</u>

3. **Application for the variation of a premises licence under the Licensing Act 2003 for The Loose Box, 4 Bedford Street, Royal Leamington Spa**

   To consider a report from Health & Community Protection. **(Item 3/Page 1)**

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WARWICK DISTRICT COUNCIL

Published Wednesday 13 August 2014

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 353362
Facsimile: 01926 456121
E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officers named in the reports.

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Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 353362 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 353362.

WARWICK DISTRICT COUNCIL	**Licensing & Regulatory Panel - 21 August 2014**	**Agenda Item No.** **3**

Title	Application for the variation of a premises licence under the Licensing Act 2003 for The Loose Box, 4 Bedford Street, Royal Leamington Spa.
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	None

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

Officer/Councillor Approval		
Officer Approval	**Date**	**Name**
Chief Executive/Deputy Chief Executive		
Head of Service	30.7.2014	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	30.7.2014	Michael Coker
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. SUMMARY

1.1 Warwick District Council Licensing Authority has received a valid application for a variation of a premises licence from Mr Mohan Kandola.

1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. RECOMMENDATION

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

3. REASONS FOR THE RECOMMENDATION

3.1 Mr Kandola applied for a variation to the premises licence on 26 June 2014. The table attached as Appendix 1 shows the current licensable hours and the variation which has been applied for.

3.2 An operating schedule is already in place and forms part of the current licence. The current operating schedule is as follows:

General
A record of all staff training must be maintained and made available to an authorised officer upon request.

The prevention of crime and disorder
Door staff must be on duty on the following days and times:
Friday and Saturday from 20:00 until the premises closes.
On all other days:
(a)when the premises remains open after 01:00, doorstaff must be employed from 21:00 until the premises closes
(b)when the premises closes before 01:00, the DPS must make on-going risk assessments as to the need to emply doorstaff.
CCTV to be installed to current British Standards and used at all times when licensable activities are taking place. CCTV must include the following:
Cameras must cover all public areas and include head and facial recognition.
The images must be recordable and they must be maintained for a minimum of 31 days.
The images must be a minimum of 12 frames per second.
The system, must be inspected and agreed with the police architectural liaison officer.
No open vessels to be removed from premises at any time for both on or off licence sales.
The premises must remain a member of Pubwatch and conform to its requirements and must also maintain membership of the WRCI retail radio scheme, and abide by all of the policies and procedures required by the scheme.

The protection of children from harm
Proof of age is required of anyone who reasonably appears to be under 18 years old.

Under 18's will not be allowed on the premises after 18:00 on any day.

The prevention of public nuisance
No outdoor activity/drinking is permitted after 23:00 and all areas must be cleared by this time.
All doors and windows to be closed after 23:00 save for entry and egress.
The door from the bar to the rear yard to remain closed whilst live or recorded music entertainment is provided.
A noise limiter must be used when regulated entertainment takes place which must be set at a level agreed by the Environmental Health Officer.

3.3 The applicant has submitted further steps to be included in the operating schedule. These are as follows:

General
Door supervisors are employed every Friday and Saturday night to start no later than 21:00 hrs.
CCTV in operation.

The prevention of crime and disorder
The Loose Box have a full recording system, all incidents are recorded.
The Loose Box will operate a zero policy against drugs. Customers found with or using drugs will have them confiscated, details taken and police called.
Customers behaving in a violent nature or anti-social manner will be reported to the Pub Watch Co-ordinator.

Public safety
First Aid training for designated members of staff.

The protection of children from harm
Anyone under the age of 18 will not be permitted on the premises after 21:00 hours.
Anyone under the age of 18 is in the company of an adult.
We operate under 'Challenge 21' scheme

The prevention of public nuisance
Windows and doors closed at 23:00
Noise limiters are fitted.

3.4 The Licensing Department has received no complaints in the last 12 months in relation to the Loosebox and Street Marshalls employed by Warwick District Council are required to spend very little time assisting the premises.

3.5 Since July 2013 The Loose Box has applied for two Temporary Event Notices to extend their licensable hours to 3am on Mondays. The Licensing Department have not received any complaints in relation to these events being held.

3.6 Representations have been received from Warwickshire Police attached as appendix 2 and Royal Leamington Spa Town Council attached as appendix 3.

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

3.8 A map of the area of the premises is attached as appendix 4 and a copy of the internal plans submitted with the premises application will be made available at the Licensing Panel.

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

a) The representations received.

b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

c) The Council's Licensing Policy Statement (attached as appendix 5)

d) The Licensing Objectives, which are:-

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

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

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

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

4. BUDGETARY FRAMEWORK

4.1 Any costs involved in any appeal could be levied against the Licensing Authority.

5. ALTERNATIVE OPTION(S) CONSIDERED

5.1 No alternatives may be considered

6. BACKGROUND

6.1 None

Appendix 1

Summary of Application for Loose Box, 4 Bedford Street, Leamington Spa

Current licence

	Live music (Indoors)*	Recorded music (Indoors)	Performance of dance (Indoors)* Anything similar to live & recorded music and dancing (Indoors)	Late night refreshment (Indoors)	Supply of Alcohol for consumption on the premises	Opening Hours of the Premises
Monday	10:00 to 00:00	10:00 to 01:00	10:00 to 01:00	10:00 to 01:00	10:00 to 00:00	10:00 to 01:30
Tuesday	10:00 to 00:00	10:00 to 02:00	10:00 to 01:00	10:00 to 02:00	10:00 to 02:00	10:00 to 02:30
Wednesday	10:00 to 00:00	10:00 to 01:00	10:00 to 01:00	10:00 to 01:00	10:00 to 00:00	10:00 to 01:30
Thursday	10:00 to 00:00	10:00 to 02:00	10:00 to 01:00	10:00 to 02:00	10:00 to 02:00	10:00 to 02:30
Friday	10:00 to 00:00	10:00 to 03:00	10:00 to 03:00	10:00 to 03:00	10:00 to 03:00	10:00 to 03:30
Saturday	10:00 to 00:00	10:00 to 03:00	10:00 to 03:00	10:00 to 03:00	10:00 to 03:00	10:00 to 03:30
Sunday	10:00 to 00:00	10:00 to 01:00	10:00 to 01:00	10:00 to 01:00	10:00 to 00:00	10:00 to 01:30

Variation to the following

	Recorded music (Indoors)	Performance of dance and Anything similar to live & recorded music and dancing (Indoors)	Late night refreshment (Indoors)	Supply of Alcohol for consumption on the premises	Opening Hours of the Premises
Monday	No change	No change	No change	No change	No change
Tuesday	No change	**10:00 to 02:00**	No change	No change	No change
Wednesday	**10:00 to 02:00**	**10:00 to 02:00**	**10:00 to 02:00**	**10:00 to 02:00**	**10:00 to 02:30**
Thursday	**10:00 to 03:00**	**10:00 to 03:00**	**10:00 to 03:00**	**10:00 to 03:00**	**10:00 to 03:30**
Friday	No change	No change	No change	No change	No change
Saturday	No change	No change	No change	No change	No change
Sunday	No change	No change	No change	No change	No change

For live music, recorded music, performance of dance, anything similar to live & recorded music and dancing, late night refreshment and sale of alcohol for consumption on the premises the following season variation:
When New Year's Eve, Christmas Eve or Bank Holiday do not fall on a Friday or Saturday the hours on these days to be extended to 03:00.

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	PS 645 Paul Calver
Job Title	Harm reduction Sgt
Postal and email address	Leamington Police Station, Newbold Terrace, Leamington Spa
Contact telephone number	01926 684166

Name of the premises you are making a representation about	Loose Box
Address of the premises you are making a representation about	Bedford Street, Leamington Spa, CV32 5DY

Which of the four licensing Objectives does your representation relate to?	*Yes Or No*	***Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary***
To prevent crime and disorder	Yes	Warwickshire Police has considered the application to grant this premises licence and would ask Warwick District Council to refuse this application. Warwickshire Police believes that allowing this new premise licence will increase Crime & Disorder in the vicinity. The premises is within the Cumulative Impact Zone of Leamington Spa, and is an extension of hours within that area. Further evidence will be supplied in advance of any hearing
Public safety	No	
To prevent public nuisance	Yes	As above, Further evidence will be supplied in advance of any hearing
To protect children from harm	No	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Warwickshire Police will continue to work with the premises during the application stage and will consider submitting suggested conditions prior to any hearing

Signed: [redacted]

Date: 28th June 2014

Police Representation Evidence
Hearing :- Loose Box
Bedford St, Leamington Spa

Introduction

Warwickshire police would object to the issues of this license as a whole due to the evidence contained in this report. Although there are certain measures the premise may suggest, or the panel may consider as conditions, Warwickshire police would still object to the license in its entirety. Policing of the night time economy will always pull police away from residential areas, but an increase in hours, or introduction of new premise will add to that demand, and will also increase risks of disorder and ASB in the locality.

This application is also within the Special Policy area of the Cumulative Impact Zone of Leamington Spa, and therefore the panel are requested to seriously consider their own licensing policy when deciding upon issuing any extension of hours to this premises, based on levels of crime, disorder and anti social behaviour. The panel are also requested to consider the Home Office 182 Guidance with regards to section 13.29.

Late Night Venues

The number of late night venues in Leamington Spa are at saturation point and are very much in the hotspot locations for ASB, Violence and disorder. They may not be the sole cause for incidents that are reported to police, but the cumulative impact of the number of venues all add to the number of incidents on the streets and inside the venues. The late night venues also attract their business at the early hours of the morning when people have already consumed a large quantity of alcohol. These premises then by their pure business target group retain large numbers in the town centre, this then causes increase in noise and ASB, but are also potential flash points for disorder and violence. The application is specifically targeting the student market within the town centre. With approximately 5000 students living in Leamington, plus the travelling business from university campus, the town centre is already saturated with venues offering a student facility. Further extensions and venues will spread this student market around the town, resulting in the sparse policing resources on these night being spread thinner and increase the risks of crime, disorder and ASB.

Police Incident Data

From conducting a *rough* basic research of STORM incidents from 22nd July 2013 to 22nd July 2014 the following data can be produced . This search has been conducted under the initial call types of covering violence, ASB damage and drugs. The areas searched covered the Town Centre, Bedford St and Loose Box. (Due to recent changes in codes within the command control system the below is only submitted as a guide.)

The following table display those figures in numerical valves ;-

Incident Type	Town centre	Bedford St	Loose Box
ASB	183	41	12
Violence / Disorder	286	27	14
Drugs	89	7	0
Damage	93	4	1

The following tables displays those figures in percentages, comparing Bedford St as a percentage of the whole town centre. Then breaking it down to comparing Loose Box as a

percentage accountable for the Town centre and then as the percentage accountable for Bedford St

Incident Type	Bedford St	Loose Box	Loose Box
	% of Town Centre	% of Town Centre	% of Bedford St
ASB	22.4%	6.6%	29.3%
Violence / Disorder	9.4%	4.9%	51.9%
Drugs	7.9%	0%	0%
Damage	4.3%	1.1%	25%

Venue Specific data

For a period 22/7/13 – 22/7/14 the following incidents are recorded at Loose Box

Date	Time	Incident	Inside or outside Venue	Result
10/8/13	23.55	Rowdy / nuisance	Outside	Sect 27 Dispersal
11/8/13	00.10	Damage to vehicle	Outside	Offender arrested
11/8/13	03.05	Rowdy / nuisance	Outside	Sect 27 Dispersal
21/9/13	23.50	Police Wanted male	Inside	Arrested
29/9/13	01.40	Dispute with door staff	Inside	Sect 27 Dispersal x 3
5/10/13	01.36	Threats to doorstaff	Inside	Enquires on going
12/10/13	01.52	Injury to drunk male	Inside	Taken to hospital
12/10/13	00.30	Theft of phone	Inside	Crime report
26/10/13	01.30	Assault	Inside	Sect 47 Assault
26/10/13	23.30	Disorder against doorstaff	Inside	Arrest D&D
28/10/13	01.00	Allegation against Door staff of assault	Inside	Sect 47 Assault
1/11/13	23.00	Theft of phone	Inside	Crime report
1/12/13	03.30	Dispute with doorstaff	Inside	Dispute resolved
27/12/13	03.30	Abusive drunk female leaving venue	Inside	Arrested public order
01/01/14	01.50	Disturbance outside venue between two groups	Outside	Groups dispersed
10/1/14	23.00	Theft wallet	Inside	Crime report
29/1/14	00.45	Disturbance with group at door	Outside	Dispersed
1/2/14	19.50	Male inside being aggressive and smashing glasses	Inside	Removed and dispersed
9/2/14	02.25	Fight outside venue	Outside	Sect 47 Assault 7 class A Drugs
16/2/14	01.15	Assault	Inside	Sect 47 Assault
19/2/14	04.30	Bar staff on premises ill due to potential drugs use	Inside	Ambulance
9/3/14	00.15	Ill female outside venue due to drunken fall	Outside	Ambulance
9/3/14	01.05	Male assaulted inside, refused all police involvement	Inside	Refused report of crime

Date	Time	Incident	Inside or outside Venue	Result
22/3/14	02.45	Altercation outside door with group who were in drink and had been inside drinking previously	Inside & Outside	No persons wish to discuss with police, venue could not access CCTV – no further action
20/4/14	01.55	Drunk male ejected due to in-appropriate behaviour towards females	Inside	No further police action
20/4/14	02.00	Male causing disturbance at door and throwing punches at doorstaff. Also assaulted police on arrival and CS gas used	Inside	Arrest Assault Police
27/4/14	01.00	Theft wallet	Inside	Crime report
18/5/14	02.45	Disturbance outside	Outside	Dispersed
24/5/14	02.00	Drunk male outside venue	Outside	Arrested D&D
20/6/14	00.45	Fight inside venue	Inside	All parties left prior to police arrival
20/06/14	01.00	3rd party report via email to police making allegation of excessive force by doorstaff	Inside	Ip never reported incident to police no further police action
21/6/14	01.00	Disturbance at door	Outside	Dispersed - No further police action
28/6/14	UK	Theft of phone	Inside	Crime report
29/6/14	Evening	Domestic dispute inside – verbal only – reported after incident to police	Inside	Police enquiries
06/07/14	01.10	Assault outside venue, male knocked unconscious	Outside	Sect 20 Assault - arrest

Hotspot Location

The maps attached at Appendix A, B and C look at specific hotspot locations for Violence and ASB incidents for the town centre. It can be clearly seen that Loose Box on Bedford St sits in the hotspot location for Violence within the town centre, it is also situated on the edge of the hotspot location for ASB

Licensed Premises

Appendix D displays the concentration of license premise within the town centre showing the saturation in the area, it also displays the area of the CIZ as per Warwick District Council Policy. It can be seen that the location of Loose Box is in the extremely saturated location of Bedford St, Warwick St and Regent St. The majority of which are open till 2am and later

Summary

In summary, Warwickshire Polices vision and aims are to protect people from harm, therefore we recommend to the panel a full objection to the issue of this license, to prevent the increase of crime, disorder and ASB in this locality under the licensing objectives. The location and venue have been demonstrated as hotspot and high incident locations, and as such any increase in hours would add to that risk. The venue already has numerous

conditions on it to promote the prevention of crime and disorder, and there are no further conditions that could be considered at this time to reduce that risk.

It can also be stated, that no matter how well run the venue is, the management maybe, how good the door staff employed are, the venue is still geographically placed in the hotspot location of Leamington Town centre, in the special policy area. Therefore it is unfortunate but due to this location they cannot demonstrate that they will not effect the cumulative impact on the area no matter what conditions are suggested.

The design of the venue is laid out predominantly in the format of a HVVD establishment, “High Volume Vertical Drinking”, which is accounted for in the section 182 Guidance under 10.22 – which clearly states gives “significant bearing on the likelihood of crime and disorder”

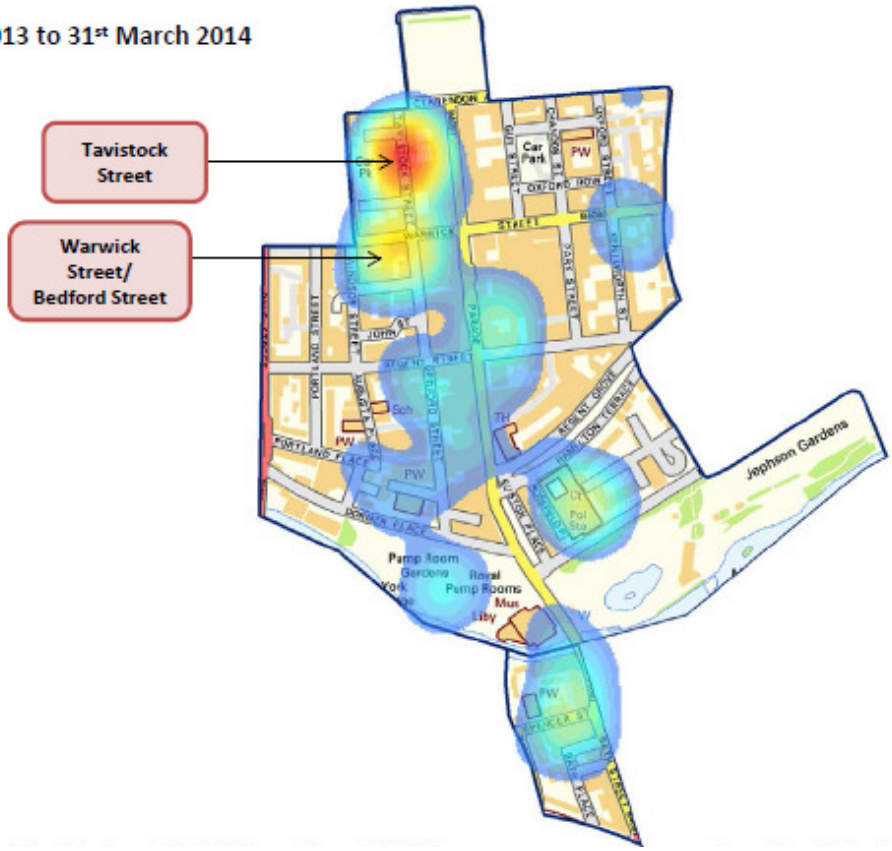
We therefore submit this objection to the panel and urge the panel to consider the Warwick District Council Licensing Policy when determining the outcome in company with the Home Office Section 182 Guidance.

We would further like to add that the case law that is regularly used for premises within the CIZ, of “Brewdogs” in our opinion does not relate to this application as it is pf not the same format, business model or clientele that is used in the decision given by the Brewdogs case law.

APPENDIX A

Violent Crime Hotspot
Leamington Safer Neighbourhood Area – Town Centre

1st April 2013 to 31st March 2014

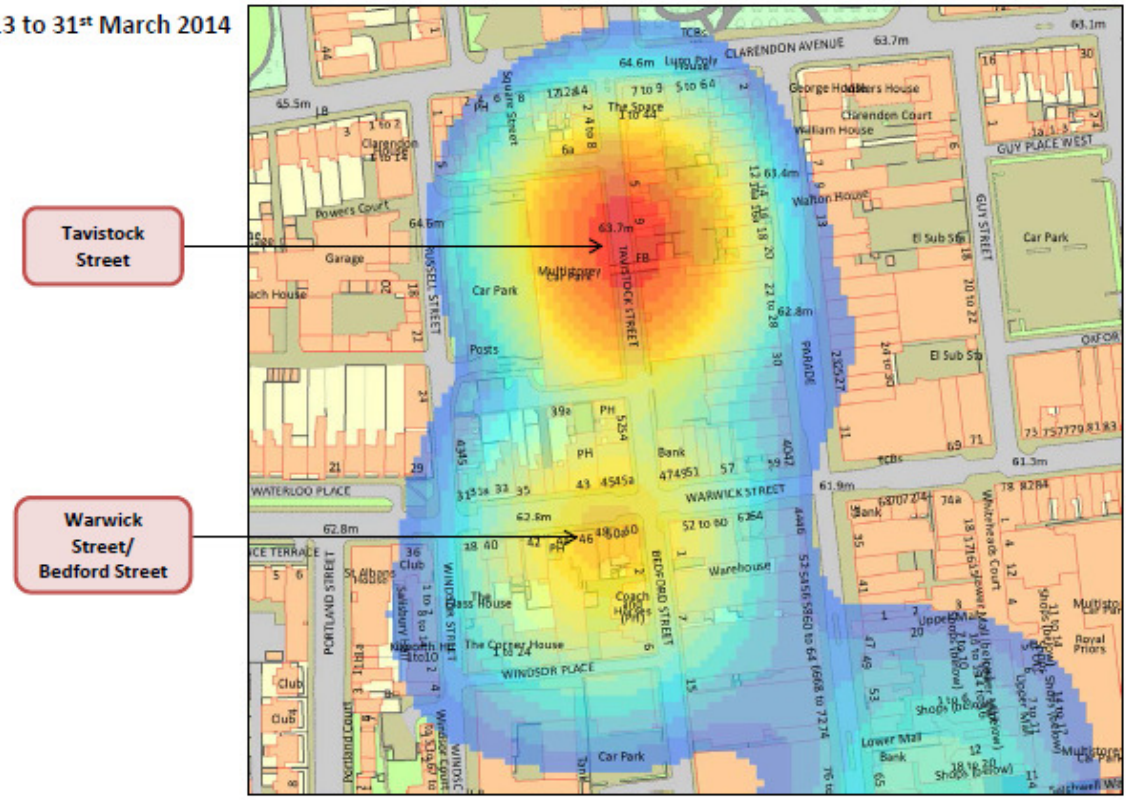


APPENDIX B

Violent Crime Hotspot - ZOOMED IN VIEW
Leamington Safer Neighbourhood Area – Town Centre

Observatory

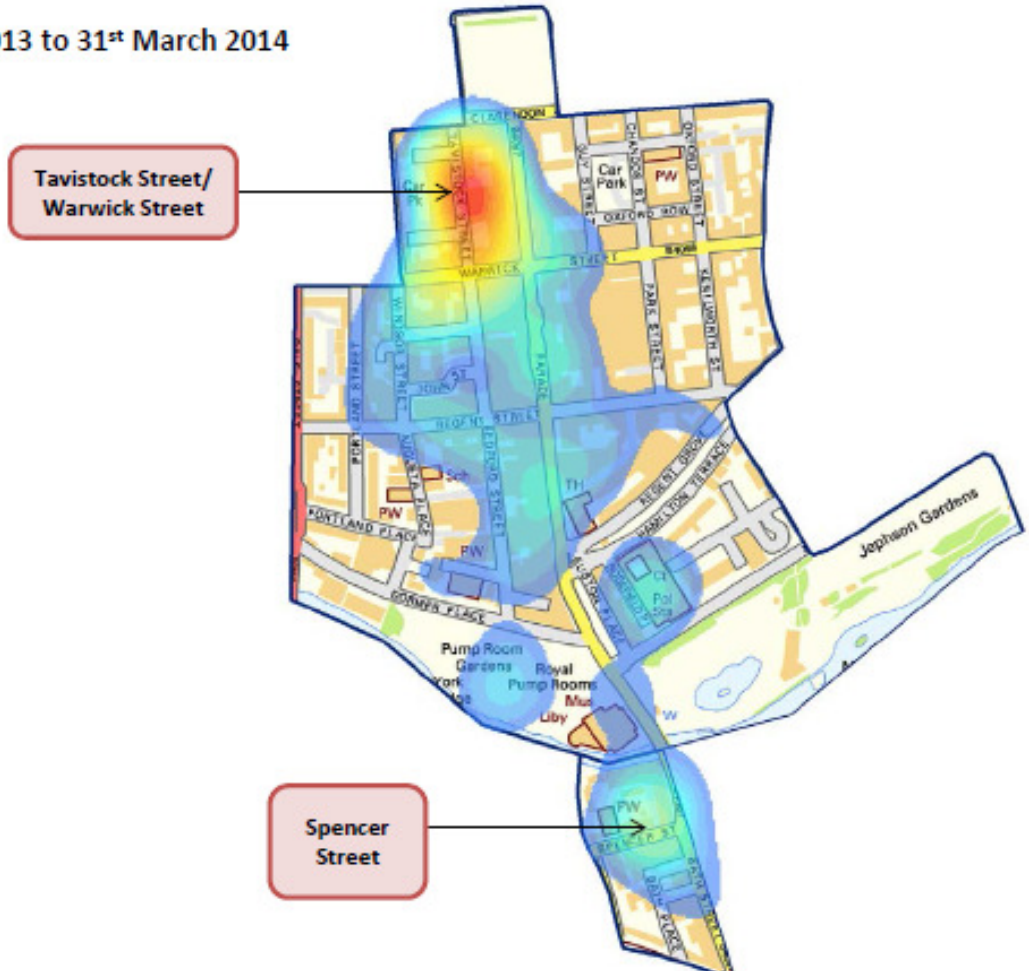
1st April 2013 to 31st March 2014



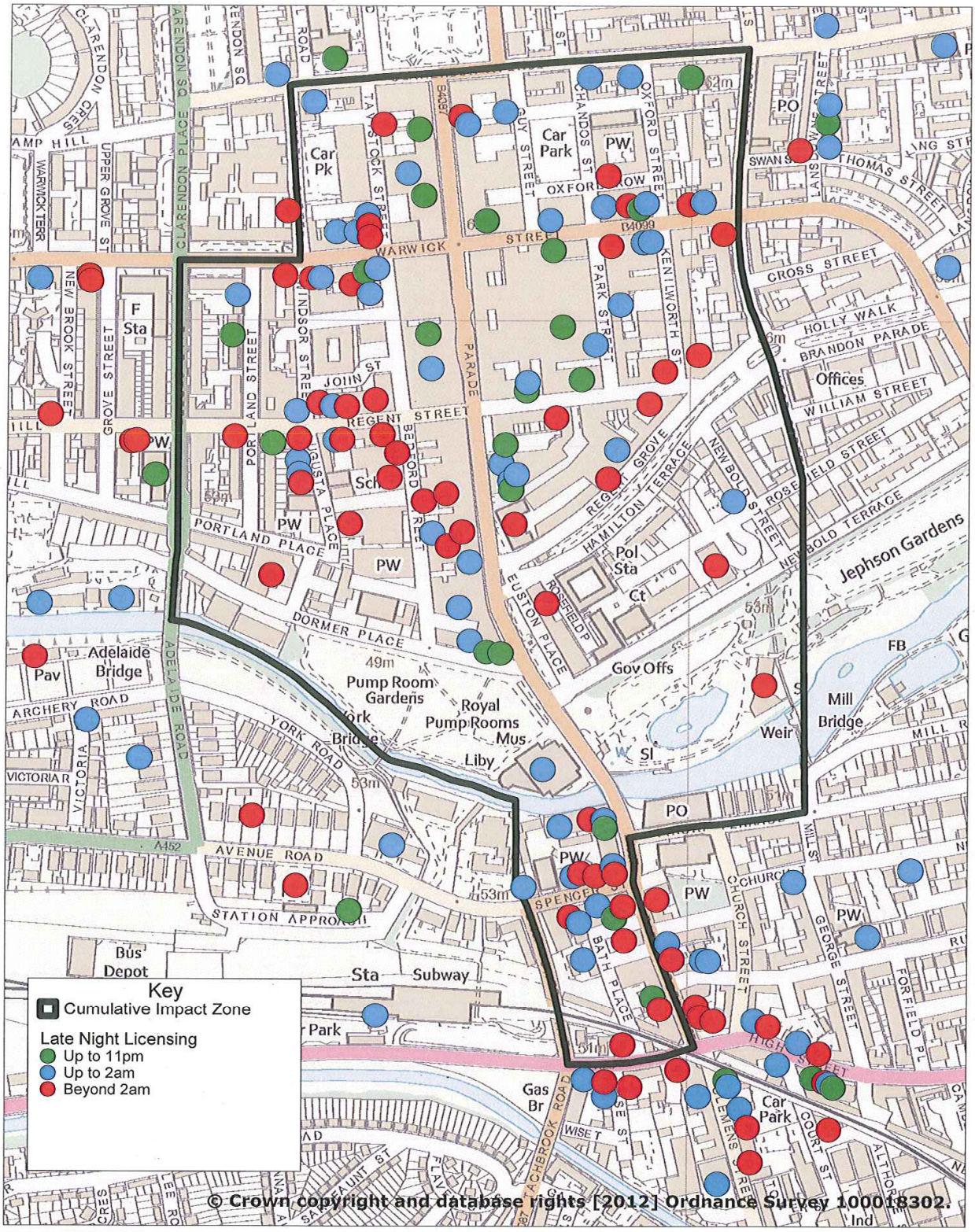
APPENDIX C

Anti-Social Behaviour Hotspot
Leamington Safer Neighbourhood Area – Town Centre

1st April 2013 to 31st March 2014



APPENDIX D



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WARWICK DISTRICT COUNCIL

Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

N

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ Tel: 01926 410410

Emma Dudgeon

From: Admin <admin@leamingtonspatowncouncil.gov.uk>
Sent: 24 July 2014 10:15
To: Licensing
Cc: clerk@leamingtonspatowncouncil.gov.uk
Subject: WDCPREM00111

Importance: High

Dear Licensing

Royal Leamington Spa Town Council considered the following application at the Planning Meeting held on 23 July 2014:

Application No. WDCPREM00111
Applicant: Mohan Kandola
Address: The Loose Box, 4 Bedford Street, Royal Leamington Spa CV32 5DY

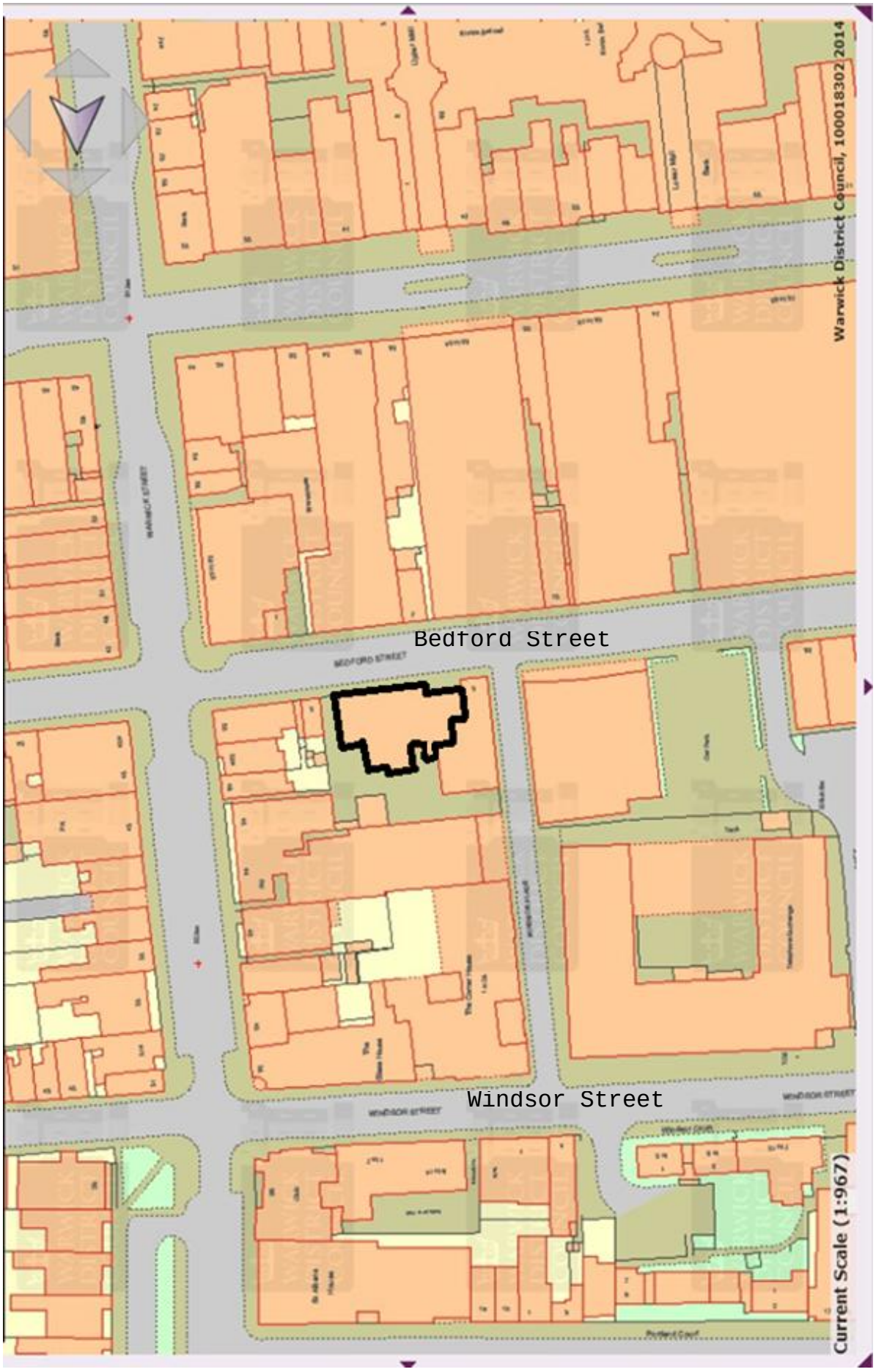
The following resolution was passed:

An objection is raised to the extension of late night hours to 0300am as this is likely to lead to increased noise in the area and anti-social related incidents, as proposed extended late-night hours replicate those of similar properties in the immediate vicinity . (There is no objection to the 0800am morning extension.)

I would be grateful if you would accept this email as the Town Council's formal objection to this Licensing Application, as I have been unable to download the appropriate form from the WDC website.

Kind regards
Nina Hamlett

Appendix 4


Bedford Street
Windsor Street
Warwick District Council, 100018302 2014
Current Scale (1:967)

STATEMENT OF LICENSING POLICY

Reviewed 2009

(Changes to cumulative impact zone added)

9th July 2009

1. Introduction

1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and guidelines on its content issued under Section 182 of the Act.

1.2 Warwick District Council 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 of 126,000 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.

1.3 The aim of this Policy is to:-

- promote the Licensing Objectives.

1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-

- **prevention of crime and disorder;**
- **public safety;**
- **prevention of public nuisance; and**
- **protection of children from harm.**

1.5 In making this Policy, the Licensing Authority recognises the following:-

- **that residents within, and visitors to the District need a safe and healthy environment to live, work and visit; and**
- **that safe and well run entertainment premises are important to the local economy and vibrancy of the District.**

1.6 This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.

The following, will guide that decision making process:-

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
- each licence application will be given individual consideration on its merits;
- when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
- the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).

1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.

1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.

1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

2. Delegation of Functions for Regulatory Matters

2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

3. General Statement of Guiding Principles

3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

3.2 **Principle 1** - The Licensing Authority will not normally fix pre-determined licensing ‘quotas’ in any given area but see paragraphs 7 and 8.

3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8)

3.5 **Principle 2** - The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing, hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.9 **Principle 3** - The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.

3.10 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety; and
- promote the prevention of public nuisance.

3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.12 **Principle 4** - As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.

3.13 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote the prevention of public nuisance; and
- address the issue of alcohol sales in shops, stores and supermarkets.

3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.15 **Principle 5** - The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.

3.16 The purpose behind this Principle is to:-

- promote the protection of children from harm; and
- address the issue of children in licensed premises, including cinemas and other public entertainment.

3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.18 **Principle 6** – The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

4. Licensing Objectives

4.1 Prevention of Crime and Disorder

4.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the District.

4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.

4.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:–

- planning controls;
- enforcement of Environmental Protection legislation (e.g. on noise nuisance);
- positive measures to provide a safer and clean town centre;
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
- powers to designate parts of the District as places where alcohol may not be consumed publicly;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

4.2 Public safety

4.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

4.3 Prevention of public nuisance

4.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:

- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
- examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
- consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

4.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were being achieved.

4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives

4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

4.4 Prevention of Harm to Children

4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.

4.4.3 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.

4.4.4 Areas that may give rise to particular concern in respect of children include premises:

- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);

- With a known association with drug taking or dealing;

- Where there is a strong element of gambling on the premises;

- Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

4.4.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- Limitations on the hours when children may be present;

- Age limitations (below 18);

- Limitations or exclusions when certain activities are taking place;

- Restrictions or exclusions in respect of parts of premises;

- Requirements for an accompanying adult;

- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

4.4.6 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

4.4.7 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

4.4.8 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

5. Other Considerations

5.1 Live Music, Dancing & Theatre

5.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance in neighbourhoods will always be carefully balanced with these wider benefits.

5.2 Integration of Strategies

5.2.1 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

5.2.3 Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.

5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

6. Other regulatory regimes

6.1 This policy shall avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

6.2 Health and Safety

6.2.1 Premises will normally have been visited by the Council's Environmental Health inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

6.3 Fire Safety

6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

6.4 Food Hygiene

6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

6.5 Noise

6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

6.6 Planning

6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

6.7 Standard Conditions

6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

6.8 Enforcement

6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.

6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Enforcement Group. Information about this group is available separately

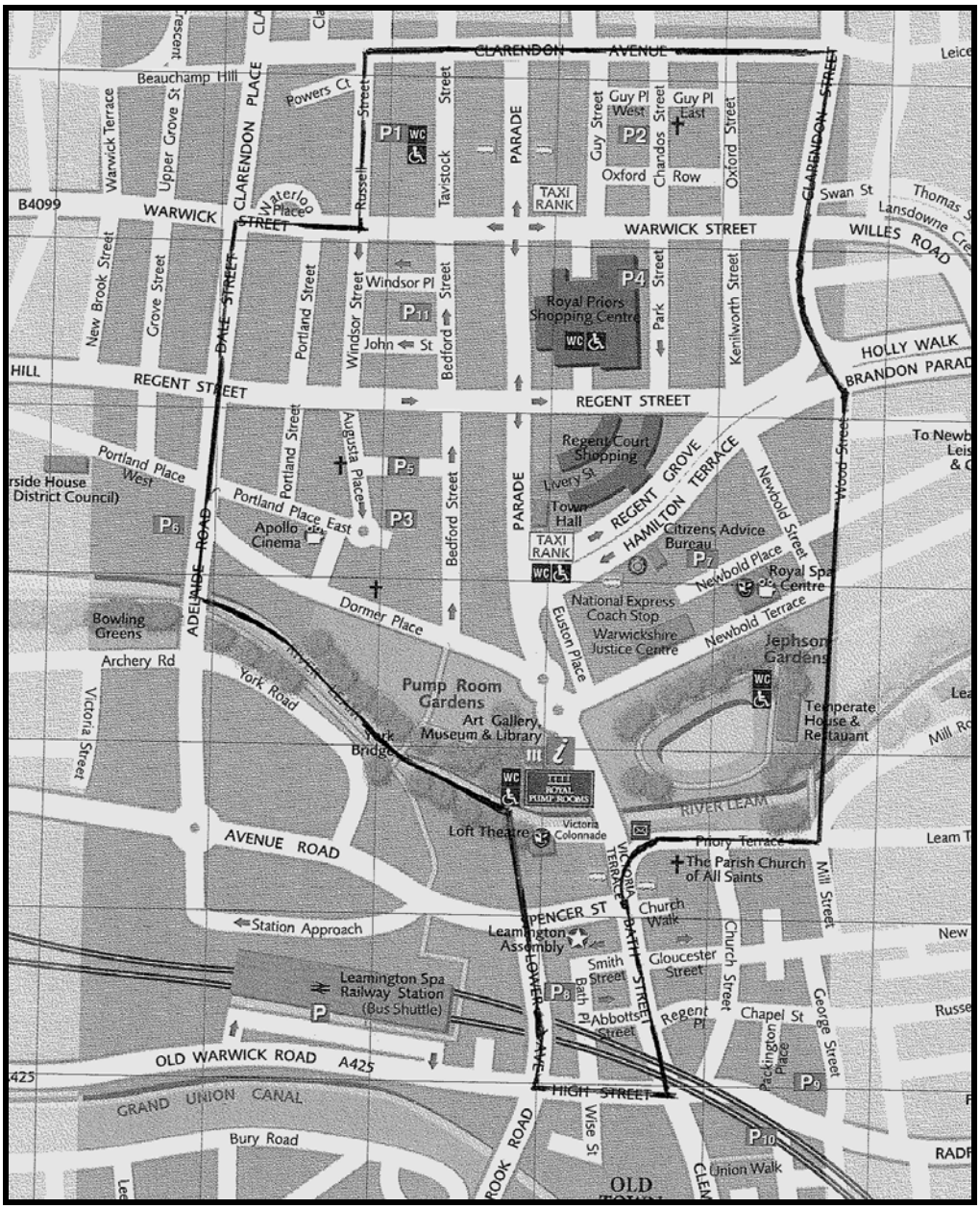
7. Special Policy Regarding Cumulative Impact

7.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.

7.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.

7.3 The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.

7.3 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)



7.4 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

7.5 The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.

7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined

in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

7.7 The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.

7.8 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.

7.9 If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.

7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.

7.11 The policy will be subject to review.

8. Further Information

9.1 The Licensing Authority has produced guides for applicants.

9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.

9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.

9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.