

Emma Dudgeon

From: Nigel Connor <XXXXXXXXXXXX>
Sent: 04 November 2022 12:59
To: Stacey Walsham
Cc: Licensing; Barbara Morrice; Emma Dudgeon; Paulette Samuels
Subject: RE: New Premises Licence Application - 18-24 The Square, Kenilworth

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Dear Ms.Walsham

Many thanks for coming back to me on the above.

I have reviewed the proposed conditions in light of the supporting documentation we have submitted in support of the yet to be determined planning application as it will be helpful for all concerned if the conditions are consistent should the applications be granted.

1. The beer garden only to be used between the hours of 08:00 and 21:00 each day

This is consistent with the hours of use indicated in the Spectrum Planning Noise Impact Assessment. However we do want to provide for an area for smokers after 2100 within the premises as opposed to them using the street where monitoring is more difficult.

Can I suggest therefore the following revised condition which picks up your suggested conditions 2) and condition 3) below?

There shall be no use of the external terrace area of the premises between the hours of 2100 to 0800 daily for the consumption of food or drink. The premises licence holder will provided a dedicated smoking area for use by customers from 2100 to the close of the premises. Customers using that area after 2100 will not be permitted to take drinks with them.

The premises licence holder (or his/her nominees) shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are sufficiently monitored by staff to ensure that there is no public nuisance or obstruction of the public highway.

2. 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.

See above

3. The premises licence holder (or his/her nominees) shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.

See above

4. No speakers for amplification of voice or music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

Agreed.

5. All external doors and windows shall be kept closed between 21:00 and 08:00 hours daily, except for the immediate access and egress of persons or in the event of an emergency.

We would be happy to accept a restriction but would suggest 2300 not 2100

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

Agreed

7. Clear and legible notices shall be prominently displayed in any external seating areas requesting patrons to respect the needs of local residents and to use the area quietly.

Agreed

8. 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.

The premises will risk assess the requirement for door supervisors as per the conditions agreed with Warwickshire Police. Outside the nights when they would likely be on duty (Friday and Saturday), then there will be no direct supervision of the doors as ordinary members of staff would need to be SIA trained and badged to fulfil such a role. Members of staff will of course monitor customers internally when they leave and it would be the normal practice that if any were observed to be too noisy to quieten down. The same would go for any customers congregating outside.

I would suggest the following alternative condition

The licence holder (or his/her nominees) shall ensure that any customers leaving the premises that are identified by staff as making noise likely to cause disturbance are asked to be quiet and to leave the immediate area as quickly as possible.

I confirm that the conditions from the Police have been formally agreed and included in the agenda papers.

I look forward to hearing from you.

Nigel Connor
Legal Director and Company Secretary
JD Wetherspoon PLC
XXXXXXXXXX

9. No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 21:00 hours and 08:00 hours on the following day.

We are happy to agree to restriction in principle but would again suggest it applies from 2300 to 0800.

From: Stacey Walsham <XXXXXXXXXXXX>
Sent: 03 November 2022 12:26
To: Nigel Connor <XXXXXXXXXXXX>
Cc: Licensing <licensing@warwickdc.gov.uk>; Barbara Morrice <XXXXXXXXXXXX>; Emma Dudgeon <XXXXXXXXXXXX>; Paulette Samuels <XXXXXXXXXXXX>
Subject: [EXT] RE: New Premises Licence Application - 18-24 The Square, Kenilworth

EXT EMAIL: Think before you click.

Good afternoon,

Thank you for your email and after consideration, looking at the below and the planning application for the premises I would propose the below conditions to be added to the premises licence:

Proposed licence conditions

1. The beer garden only to be used between the hours of 08:00 and 21:00 each day
2. 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.
3. The premises licence holder (or his/her nominees) shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.
4. No speakers for amplification of voice or music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
5. All external doors and windows shall be kept closed between 21:00 and 08:00 hours daily, except for the immediate access and egress of persons or in the event of an emergency.
6. Prominent, clear, and legible notices shall be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
7. Clear and legible notices shall be prominently displayed in any external seating areas requesting patrons to respect the needs of local residents and to use the area quietly.
8. 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.
9. No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 21:00 hours and 08:00 hours on the following day.

Confirmed Conditions agreed with the police

10. All front of house staff to be trained in the prevention of underage sales. All such training to be updated as necessary for instance when legislation changes and should include training on how to deal with difficult customers to a level commensurate with their duties. Training completion records shall be retained for a period of 12 months and shall be available for inspection on request by an authorised officer of the Licensing Authority or an officer of the Police.
11. A Challenge 25 scheme shall be adopted and implemented which will require that any customer that appears under the age of 25 is requested to provide acceptable photographic proof of age establishing they are 18 or over before the sale of alcohol to them. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include, but not be limited to, PASS approved proof of age card, photo-card driving licence and passport. Challenge 25 point of sale material shall be displayed within the premises. Refusals under the scheme shall be recorded and records maintained for a period of 12 months and made available to the Police or an authorised officer of the Licensing Authority on request.
12. An incident recording system must be maintained at the premises, records from which shall be preserved for 12 months and made immediately available on request to the Police or an authorised officer of the Licensing Authority, which must record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received
 - d) any incidents of disorder
 - e) seizures of drugs or offensive weapons

- f) any faults in the CCTV system or searching equipment or scanning
 - g) equipment
 - h) any visit by a relevant authority or emergency service.
13. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS shall have access. All controlled drugs (or items suspected to be or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Warwickshire Police for appropriate disposal.
14. The premises to use door staff as appropriate and at necessary times based on regular operational risk assessments and all door staff employed to be on duty no later than 21:00. The premises supervisor will continue to liaise with Police in respect of door staff requirements and consider their views in the formulation of any risk assessment.
15. The premises licence holder shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Authority. Images from the CCTV system shall be preserved for a minimum 31-day period. There shall be sufficient members of trained staff available during the hours of operation of the premises to be able to download evidence at the request of the Police or an Authorised Officer of the Council.
16. In the event of a system malfunction, the Licence holder or a nominated person must as soon as practically possible notify the Licensing Authority and Warwickshire Police Licensing Department. Details of such malfunction must be recorded in the premises incident book.

Many thanks

Stacey Walsham

Environmental Protection Technical Officer
Community Protection

Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ
www.warwickdc.gov.uk
Mobile: XXXXXX
Direct Number: XXXXXXXX
Ext: XXX

From: Nigel Connor <XXXXXXXX>
Sent: 13 October 2022 12:29
To: Stacey Walsham <XXXXXXXXXX>
Cc: Licensing <licensing@warwickdc.gov.uk>; Barbara Morrice <XXXXXXXXXX> **Subject:** New Premises Licence Application - 18-24 The Square, Kenilworth

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Dear Ms.Walsham

Thank you for our comments in respect of the above application and our apologies for the delay in engaging with you.

Dealing with your concerns in turn , I comment as follows:

*There are flats above the adjoining premises on both sides, across the road and residences to the rear.
With the information that is available on the Licence Application, we foresee potential nuisance to neighbours:-*

In connection with the late night refreshment

- . *noise of kitchen ventilation plant*
- . *noise through the party wall to adjoining premises.*

Note that our kitchens close at 2300 and there will be no food preparation after that time.

The provision of late night refreshment after 2300 will solely be to allow hot drinks which are dispensed from front of house machines and not the kitchen.

I am reluctant to overstep into matters regarding the suitability of the premises themselves for the proposed use rather than their actual operation by Wetherspoon which are perhaps more properly reserved for planning. I understand that a revised application has been lodged which includes an acoustic report which addresses the plant ventilation point in appendix D.

In respect of the party wall issue, I am informed by the premises architects that we intend to provide Sounbloc acoustic plasterboard fixed back to proprietary resilient bars with 100mm acoustic insulation between metal studs fixed back to the affected party wall structure

In connection with of the sale of alcohol

- . *noise arising from customers inside the premises, through the party wall to adjacent flats*

Please see above. We of course do not play music which will reduce the risk of sound transmission.

- . *noise of customers drinking/smoking outside the premises at night*

We have proposed a condition which precludes use of any outside area between 2100 and 0700 which addresses this point to an extent.

The condition does not preclude smokers from using the street area for smoking but we will ensure that they are monitored and if causing disturbance asked to desist. We will provide signage asking customers to be considerate of neighbours whilst outside and whilst leaving the premises and would be happy to condition its requirement if you felt it necessary.

- . *noise of customers entering and leaving the premises late at night.*

To an extent the proposed hours of operation which we believe are those based on the original planning application do limit the risk of late night noise but even within these times we acknowledge the need to ensure that customer disturbance of neighbours is reduced as far as possible.

We have agreed a number of condition with Warwickshire Police as to the effective management of customers on the premises which will encourage good behaviour off them and these are set out below.

1. All front of house staff to be trained in the prevention of underage sales. All such training to be updated as necessary for instance when legislation changes and should include training on how to deal with difficult customers to a level commensurate with their duties. Training completion records shall be retained for a period of 12 months and shall be available for inspection on request by an authorised officer of the Licensing Authority or an officer of the Police.

2. A Challenge 25 scheme shall be adopted and implemented which will require that any customer that appears under the age of 25 is requested to provide acceptable photographic proof of age establishing they are 18 or over before the sale of alcohol to them. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include, but not be limited to, PASS approved proof of age card, photo-card driving licence and passport. Challenge 25 point of sale material shall be displayed within the premises. Refusals under the scheme shall be recorded and records maintained for a period of 12 months and made available to the Police or an authorised officer of the Licensing Authority on request.

3. An incident recording system must be maintained at the premises, records from which shall be preserved for 12 months and made immediately available on request to the Police or an authorised officer of the Licensing Authority, which must record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) any incidents of disorder (e) seizures of drugs or offensive weapons (f) any faults in the CCTV system or searching equipment or scanning equipment (g) any visit by a relevant authority or emergency service.

4. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Warwickshire Police for appropriate disposal.

5. The premises to use door staff as appropriate and at necessary times on the basis of regular operational risk assessments and all door staff employed to be on duty no later than 21:00. The premises supervisor will continue to liaise with Police in respect of door staff requirements and take into account their views in the formulation of any risk assessment.

6. The premises licence holder shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Authority. Images from the CCTV system shall be preserved for a minimum 31 day period. There shall be sufficient members of trained staff available during the hours of operation of the premises to be able to download evidence at the request of the Police or an Authorised Officer of the Council.

7. In the event of a system malfunction, the Licence holder or a nominated person must as soon as practically possible notify the Licensing Authority and Warwickshire Police Licensing Department. Details of such malfunction must be recorded in the premises incident book.

We also tend to find that our premises are rarely if ever, anywhere peak occupancy at close of business. They are busier earlier in the evening around 1900 to 2130 for food and thereafter there is a gradual drift away of customers either home or to later opening venues which provide entertainment.

Provision of door staff will be by way of risk assessment but when on duty, they will assist in the dispersal of customers away from the premises.

I attach for your information, a copy of our Code of Conduct for Responsible Retailing which sets out how we promote the licensing objectives which you may find of interest.

I am on leave for the next two days but will be happy to discuss with you further on my return next week.

Yours sincerely

Nigel Connor
Legal Director and Company Secretary
JD Wetherspoon PLC

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