Licensing & Regulatory Panel

Monday 5 September 2016

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Learnington Spa on Monday 5 September 2016 at **10.00am**.

Membership: Councillors Miss Grainger, Gill and Mrs Stevens.

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.

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. Application for a premises licence under the Licensing Act 2003 for Old Shire Hall, Northgate Street, Warwick

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

Published Thursday 25 August 2016









General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ. Telephone: 01926 456114 E-Mail: <u>committee@warwickdc.gov.uk</u>

Enquiries about specific reports: Please contact the officer named in the report.

Details of all the Council's committees, councillors and agenda papers are available via our website <u>www.warwickdc.gov.uk/committees</u>

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) 456114 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 456114.

WARWICK UISTRICT COUNCIL Licensing & Regulate 5 September 5 September		Agenda Item No. 3
Title		a premises licence under Act 2003 for Old Shire Hall, et, Warwick.
For further information about this report please contact	Officer, Health Protection. Tel	n, Licensing Enforcement and Community : 01926 456113 n@warwickdc.gov.uk
Wards of the District directly affected Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, followin the Local Government (Access to Information) (Variation) Order 2006	g No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief		
Executive		
Head of Service	16.8.2016	Marianne Rolfe
СМТ		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	19.6.2016	Moira-Ann Grainger
Consultation & Community	Engagement	
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Ms Kushal Birla on behalf of Warwickshire County Council for Old Shire Hall, Northgate Street, Warwick.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. **RECOMMENDATION**

2.1 Members are asked to consider the information contained in this report and decide whether the application for a premises licence for Old Shire Hall, Northgate Street, Warwick, should be granted and, if so, whether the licence should be subject to any conditions.

3. THE APPLICATION

- 3.1 Ms Birla applied for a premises licence for Old Shire Hall, Northgate Street, Warwick on 29 June 2016.
- 3.2 The premises licence is for a Grade 1 listed building comprising of a main hall, three court rooms, prison cells and a dungeon. Also included is a Grade 2 listed building known as the Judges House. The licensable activities requested by the applicant are detailed in the tables shown in appendix 1.
- 3.3 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

General

There will be a personal licence holder on site at all times that licensable activity takes place. All staff are suitably trained for the job they are performing and training is ongoing, bar staff are trained in the procedure for refusing service to any person who appears to be under 25 years of age or is drunk. We operate a Challenge 25 year old policy and if customers look under 25 photographic identification is requested by bar staff. (passport, photo driving licence or proof of age card carrying "Pass" logo). Staff will collect glasses and remove drinks from guests/customers as they leave any events. Qualified door supervisors from a professional security company will be on site if there is any event after 17.50 with more than 30 guests and alcohol is being served. Door supervisors will sign our staff log for the evening which includes name, address and hours worked, and will undertake appropriate fire safety training. If any force is used or guests/ customers removed, details will be recorded. If any complaints on or off site are made these will be recorded by the Duty Manager and held in the event file.

The prevention of crime and disorder

We operate a Challenge 25 year old policy and if customers look under 25 photographic identification is requested by bar staff, (passport, photo driving licence or proof of age card carrying "Pass" logo). Most of our events are private or ticketed so we find very little if any disorder and no crime. Staff will collect glasses and remove drinks from guests/ customers as they leave any events, no alcohol will be allowed to leave the venue. Clear notices shall be displayed at the exit doors to advise guests that the premises fall within an

alcohol restricted zone and to be quiet as they leave to respect the local neighbours.

Door supervisors will sign the staff log for the evening which includes name, address and qualified door supervisors from a professional security company will be on site if there is any event after 17.50 with more than 30 guests and alcohol is being served. All door supervisors shall have clear instructions and understanding of their responsibilities. If any force is used or guests/customers removed, details will be recorded. If any complaints on or off site are made these will be recorded by the Duty Manager and held in our event file. All staff are suitably trained for the job they are performing and training is ongoing, bar staff are trained in the procedure for refusing service to any person who appears to be under 25 years of age or is drunk. All licensable activities shall stop at the terminal hour and the premises shall be cleared of all guests and closed 30 minutes after the conclusion of the last licensable activity. We do not tolerate the use of illegal drugs and our drug policy and staff training state any person found using or trying to supply illegal drugs would be asked to leave and Warwickshire police would be informed.

Larger denomination bank notes are checked with lights and/or security pens to prevent the use of counterfeit currency.

The maximum number of persons (including staff and suppliers) allowed at the premises shall not exceed:

Old Shire Hall 500

Judges Dining Room 150

Judges Drawing Room 76

Jury Rest Room 80

Courts 60 in each

Dungeon & Cells 20 on each visit

Maximum in building at any one time 500.

A CCTV system shall be installed and the premises licence holder will ensure that :

a. CCTV cameras are located within the premises to cover all entrances and exits.

b. The system records clear images permitting the identification of individuals.c. The CCTV system is able to capture a minimum of 4 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. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

It is our intention that the premises will become a member of the locally approved retail radio scheme and it will conform to its policies and procedures.

Public Safety

The safety of the guests/ customers is paramount. The designated Premises Supervisor/ Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of guests. Details of the checks shall be entered in the Fire Log-book. The venue has emergency exit signs, appropriate fire extinguishers and First Aid boxes on site (adequate and appropriate supply of first aid equipment and materials shall be available on the premises). All equipment will be regularly maintained and tested. The number of attendants is

limited to the venue size as listed in section B. The Designated Premises Supervisor/ Duty Manager shall ensure that the accommodation limits specified are not exceeded and shall be aware of the number of guests on the premises. This information shall be provided to any Authorised Person immediately on request. all equipment will be regularly maintained and tested All emergency exits are checked, maintained (not obstructed and operational), with nonslippery and even surface, and clearly signed before the public are allowed into the premises. All fire doors shall be maintained effectively self closing and shall not be held open other than by approved devices. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire service can be summoned, shall be prominently displayed and shall be protected from damage or deterioration. The fire service shall be called at once to any outbreak or suspected outbreak of fire, however slight and the details recorded in the Fire log-book. Any curtains, hangings, temporary decorations, scenery shall be arranged so as not to obstruct exits, fire safety signs or firefighting equipment.

The designated Premises Supervisor/ Duty Manager shall ensure that all staff are aware of fire safety procedures and that whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency. Trained staff will ensure doors are held open to assist with any evacuation.

In the absence of adequate daylight the management lighting in any area accessible by guests shall be fully in operation whist the guests are present. Fire safety signs will be adequately illuminated. The emergency lighting installation shall not be altered in any way except with consent. The emergency lighting battery shall be fully charged before the guests are admitted. In the event of failure of the normal lighting the guests shall be evacuated from the premises within 20 minutes unless the normal lighting is restored in this time. No indoor sporting events will take place at the premises.

The prevention of public nuisance

Sound levels are one of our key concerns and measures will be taken to minimise disturbance. Noise levels will be monitored on and off site to ensure compliance with Environmental Health Services recommendations. We will monitor each event as we are fully aware how weather conditions can change how noise travels. The Designated Premises Supervisor/Duty Manager shall ensure no nuisance is caused.

For evening events, all windows and doors onto Northgate Street will be kept closed after 22:00 hours to negate any potential disturbance to local residents. For large events, security staff will manage guests leaving the complex. Large numbers of guests leaving after 22:00 hours will be directed through the main Shire Hall building via the main doors onto Market Square.

Live vocal or instrumental music may be used at weddings and birthday parties. There may also be chamber music or choral events held at the venue. It is expected that there will be a requirement for some sound to be amplified, however, restrictions will be implemented that limit the type of music which is likely to cause noise disturbance for example rock bands that include drums and bass guitars from playing in the Main Hall.

To minimise potential noise disturbance, 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 Environmental Health. The level of the limiter shall not be altered without prior agreement with Environmental Health. Amplified sound will be required to finish no later than 01:00 hours, except for New Year's Eve. The Council will be pursuing additional acoustic measures in keeping with a Grade 1 listed building, to manage amplified noise. As soon as any solutions have been agreed and the appropriate planning consents have been obtained. Environmental Health Services will be contacted to reassess the acceptable noise levels.

The Designated Premises Supervisor/Duty Manager will ensure that no open vessels will leave the premises at any time.

A designated smoking area will be provided in the gardens to the rear of the Old Shire Hall as marked on the plan and guests will be directed to this area. The events team will ensure no more than 10 people at a time congregate in the gardens/smoking area to the rear of Old Shire Hall after 22:00 to minimise any potential disturbance to local residents.

There is a possibility that for large ticketed events a queue may form on Northgate Street which shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours. Entrance to such events is unlikely to happen after 20:00 hours.

The protection of children from harm

The majority of our events do not involve children. At weddings or family celebrations where children can be present they are with parents/ family. Where children's events are held after 20:00 hours, the manager will ensure an appropriate ratio of responsible adults to children is maintained. We operate a Challenge 25 year old policy and if customers look under 25 photographic identification is requested by bar staff (passport, photo driving licence or proof of age card carrying "Pass" logo). Discos or similar events specifically organised for children shall be managed as ticket only events with no tickets available on the door.

- 3.4 Five representations have been received objecting to the grant of the premises licence, these are attached as appendices 2 to 6.
- 3.5 Additional conditions have been agreed with Environmental Health. These conditions will be added to any licence issued and are as follows:
 - 1. Use of a drum kit, amplified guitar or amplified bass guitar after 21:00 is prohibited within the main hall.
 - 2. All windows and external doors in the main hall shall be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
 - 3. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number shall be made available to residents and businesses in the vicinity and will be displayed on the Old Shire Hall website.
 - 4. Noise levels will be monitored on and off site at regular intervals to ensure that noise from activities at the venue do not give rise to a nuisance. The Designated Premises Supervisor or Duty Manager shall undertake a noise risk assessment of any activities at the venue to determine how regularly noise monitoring must take place.
 - 5. For events of 100 guests and greater; security staff will manage guests leaving the complex and after 22:00 hours guests will be directed through the main Shire Hall building via the main doors onto Market Place.

- 6. To minimise potential noise disturbance, a sound limiting device shall be fitted to any musical amplification system being used at the premises and set at a level determined by and to the satisfaction of an authorised officer of Environmental Health. The level of the limiter shall not be altered without the prior written agreement of the Council's Environmental Health Department.
- 7. The Designated Premises Supervisor or Duty Manager will ensure that no open vessels will leave the premises at any time.
- 8. A designated smoking area will be provided in the gardens to the rear of the Old Shire Hall as marked on the plan and guests will be directed to this area. The events team will ensure no more than 10 people at a time congregate in the smoking area to the rear of Old Shire Hall after 22:00 to minimise any potential disturbance to local residents. No guests will be permitted to smoke on Northgate Street.
- 3.6 No representations have been received from:
 - Warwickshire Police
 - Fire Authority
 - Enforcement Agency for Health and Safety.
 - The Licensing Authority
 - Authority Responsible for Planning
 - National Health Service/Public Health
 - Body responsible for the protection of children from harm
 - Warwickshire County Council (Weights and Measures)
- 3.7 A plan of the premises provided by the applicant is attached as appendix 7, a map of the area is attached as appendix 8 and photographs of the area are attached as appendix 9.

4. **POLICY FRAMEWORK**

- 4.1 When considering the application the panel must give appropriate weight to:
 - a) The representations received.
 - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
 - c) The Council's Licensing Policy Statement (attached as appendix 10)
 - d) The Licensing Objectives, which are:
 - i) The Prevention of Crime and Disorder.
 - ii) Public Safety.
 - iii) The Prevention of Public Nuisance.
 - iv) The Protection of Children from Harm.

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

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

5. **BUDGETARY FRAMEWORK**

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

6. RISKS

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

*Recorded Music (Indoors only)	09:30 to 00:00	09:30 to 01:00	New Year's Eve from end of permitted hours until 01:00 on New Year's Day.
*Live Music, *Performance of Dance, Other Activities of a similar description to that of live music, recorded music or performance of dance (Indoors only)	09:30 to 00:00	09:30 to 01:00	
*Plays, Films (indoors only)	10:00 to 00:00	10:00 to 01:00	
Sale of alcohol for consumption on the premises.	09:30 to 00:00	09:30 to 01:00	New Year's Eve from end of permitted hours until 01:00 on New Year's Day
Normal Opening Hours	08:00 to 00:00	08:00 to 01:00	New Year's Eve and every Thursday in December from 08:00 to 01:00
	Sunday to Thursday	Friday and Saturday	

people and the premises is licensed for the sale of alcohol for consumption on the premises; or when unamplified live music is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this *NOTE: Between the hours of 08:00 and 23:00, when amplified live music is taking place to an audience of less than 500 licence are deemed not to be in operation. NOTE: Between the hours of 08:00 and 23:00, when recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

NOTE: Between the hours of 08:00 and 23:00, when plays are taking place to an audience of less than 500 people all licensing conditions applicable to the control of plays on this licence are deemed not to be in operation. NOTE: Between the hours of 08:00 and 23:00, when performance of dance is taking place to an audience of less than 500 people all licensing conditions applicable to the performance of dance on this licence are deemed not to be in operation.

Licensing Act 2003 Representation Form	WARWICK DISTRICT COUNCIL
Section 1 - Application Detail	S
I object to the following Applic Applicant's name (if known):	cation:
Premises name and address: The Old Shire Hall Northgate Street Warwick CV34 4SP	
Application for a	Premises Licence 🛚
	Club Premises Certificate 🛛
Application to vary an existing	Premises Licence
	Club Premises Certificate
Application Number	WDCPREM00863

Section 2 - Objector details

Individual Objectors Details:

Old Square Warwick

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

One aspect of my objections is confidential and I have marked it as such below.

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of r	epresentation:

Section - Objection Details	
My objection is relevant to	X Prevention of crime and disorder X Prevention of public nuisance
You can tick more than one box	X Protection of children from harm X Public safety

I object to the application being granted at all

Х

I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see) I am the owner and occupant of 13 Old Square, a residential property which is the street running off the Market Square and at right angles to Northgate Street.

My primary objections to the application for the Old Shire Hall to become a licensed premises is on the basis of the prevention of crime and disorder and the prevention of public nuisance. More specifically:

- there has been no or no adequate notice given to residents who are going to be affected, should the licence be awarded.
 I have again looked for notices today of this application in the vicinity of Old Square and have found none.
- I understand also that any hearing as to objections is likely to be during August, a time at which concerned residents (at least those who heard through word of mouth of this application) may be on vacation. I will not be able to be present at any hearing after 6 August for that reason.
- The application is vague and broad in its ambit, and it is difficult to see how the Licensing Authority can properly consider the appropriateness or adequacy of any safeguards in view of such vagueness.
- In any event, the proposal to develop the Old Shire Hall as an licensed premises and entertainment centre is fundamentally flawed, in view of the location of the Hall in a quiet set of Grade II listed streets where families reside.
- My primary concern relations to the fact that, at events that the Council, or persons unknown will be holding, up to 500 people will be entering Market Square at any one time. Old Square is a quiet one way thoroughfare between Market Square and Church Street and Northgate. The back of our house also backs onto New Street car park.
- Irrespective of what conditions the County Council has put onto it as how it proposes to run what is a veritable plethora of different events, once people have left the Shire Hall, the Council will no longer be able to control their behaviour.
 See next page

Due to the number of changes of use that the Council has granted in this area in the past few years, the area around Old Shire Hall is now a residential area. As is the case with our home, the residents include children, and people including ourselves have bedrooms overlooking the street. Our home is Grade II listed and so double glazing to reduce the sounds of inebriated carousing pedestrians is not an option. This is a current ongoing issue with people coming from the Rose & Crown and the Zetland Arms, which are both 50 yards further from the Market Square. Such pedestrians also are wont to place empty beer glasses etc on the window sill of our house, ring the bell, knock on the door, unearth flowers from plant pots and through the earth around the street etc. [Confidential - please delete in public version - This is disturbing to the child who lives in this house as it is frightening to have the door knocked late at night.] I envisage that this problem will be multiplied manyfold in the case of the specific events that the County Council now wishes to hold and at which alcohol will be served. This issue is particularly acute on a Friday and Saturday night, will be magnified considerably should the application be granted, disturbing our sleep and quiet enjoyment of our home and our family life.

Date 27 July 2016.....

Licensing Act 2003 Representation Form	WARWICK DISTRICT COUNCIL
Section 1 - Application Details	
I object to the following Application: Applicant's name (if known): Premises name and address: Old Shire Hall Northgate Street Warwick CV34 4SP	
Application for a	Premises Licence× Club Premises Certificate□
Application to vary an existing	Premises Licence□ Club Premises Certificate□
Application Number	WDCPREM00863

Section 2 - Objector	r details
Individual Objecto	rs Details:
-	as a representative go to the next section
Applicant Title	
Surname	
First name(s)	
Address (incl postco	ode):
The Old Post Of Old Square Warwick	ffice

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.



Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation	ation:

Section - Objection Details	
	□ Prevention of crime and disorder.
My objection is relevant to the following licensing objective:	X Prevention of public nuisance.
You can tick more than one box	
	Public safety

Х	I object to the application being granted at all
	I object to the application being granted in it's current form (If you
	choose this option remember to tell us in the next section what changes
	you would like to see)

Our objection is based on the following: <u>Prevention of Public Nuisance</u>

Warwick is a small market town with a high number of residential properties in the town centre, many of these are in the immediate vicinity of Old Shire Hall; for example those on Northgate Street immediately opposite Old Shire Hall and those on Old Square which are at the rear of Old Shire Hall. The impact on these properties created by a) an alcohol license b) live music and c) events for up to 500 customers will be significant and detrimental to the quality of life for those residents who will be disrupted which events are being held (caused by noise coming from the venue, up until 1am) and also beyond 1am as noise created by customers leaving a venue does not immediately end when the venue closes – there is noise as people find their way homes, parked cars, taxi collections, etc. This will be compounded by the sale of alcohol which in itself creates greater noise disturbance (through intoxicated customers who will be loud as they leave the venue) and a greater risk of crime and disorder.

It is completely at odds that there is County Council encouragement to increase residential dwellings in the town centre (for example, by selling previously Council-owned properties to a residential developer) while seeking a license to hold large events within that immediate area where it is guaranteed that this will have an impact on local residents and cause noise disturbance and a greater risk of crime and disorder.

This will also be a particular issue for our property which overlooks the rear of Old Shire Hall – similar to those on Northgate Street, were are in such a proximity to the venue that we will experience the full amount of noise disturbance caused by the venue. Furthermore, we have a roof terrace which overlooks the garden at the back of Old Shire Hall and I understand that the license application mentions use of this space as a designated smoking area for customers. This will have a severe impact on the enjoyment of our outdoor space as we will be immediately next to the smoking area – which will create noise disturbance and also the smells and pollution from cigarette smoke. This will destroy the enjoyment of our outdoor space. The roof terrace is one of the key benefits of this property and the application will greatly reduce the attractiveness of the property and its property value.

Many thanks for your consideration of this objection.

Signed.....

...Date......26th July 2016.....

Licensing Act 2003 Representation Form	WARWICK DISTRICT COUNCIL
Section 1 - Application Details	5
I object to the following Applic Applicant's name (if known): Warwickshire County Council Premises name and address: The Old Shire Hall, Northgate Stre 4SP	
Application for a	Premises Licence
	Club Premises Certificate
Application to vary an existing	Premises Licence
	Club Premises Certificate
Application Number	WDCPREM00863

Section 2 - Objector details		
Individual Ob	jectors Details:	
	cting as a representative go to the next section	
	$Mr \square Mrs \square Miss \square Other$	
Surname		
First name(s)		
Address (incl p	ostcode):	

<u>Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.</u>

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because		

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	Ash Mill Northgate LLP		
Please state nature of representation:			
Submitted on behalf of the p owner(s)/occupiers of	present and future residential		
	Northgate gate Place, The Butts.		

Section - Objection Details	
My objection is relevant to the following licensing objective:	 Prevention of crime and disorder. Prevention of public nuisance.
You can tick more than one box	 Protection of children from harm. Public safety

I object to the application being granted at all I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

Introductory comment.

We are not anti-progress or development. This is evidenced by what we have/are seeking to achieve on the eastern side of Northgate Street in restoring the buildings to the use they were originally designed for. We welcome any initiative to bring into useful life publically owned assets which make an important contribution to the built environment and the town of Warwick.

However, we have strong reservations about the current proposal which are listed below:-

- The key to the success of any re-use of the buildings is the management and type of operation. In the absence of this key information, and <u>until the license holder is identified, the</u> <u>application should be at refused</u> or, as a minimum, the decision deferred.
- 2. The application is for a very wide range of operations: the sale of alcohol, showing of plays, films, live music, recorded music and performance of dance. It also seeks for those activities scheduled to take place between 08.00 (the earliest) to 01.00 (the latest). This is an <u>unacceptable breadth of operation and hours of operation</u> which will have a detrimental impact on the quite enjoyment of residents in their homes. This may become less of a concern dependent upon point 1 above.
- 3. <u>No detail</u> (in the form of acoustic evidence) has been provided <u>on</u> how amplified noise will be managed and how the condition, to be agreed with the licensee, will be satisfied; "no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises".
- 4. The applicant has <u>not provided acoustic evidence</u> to support the assertion that sound levels generated from within the Grade 1 listed building will be successfully contained.
- 5. We do not consider the above condition can be satisfied given the <u>onerous listing of Old Shire Hall</u> and the listed building requirements. It is understood it was for this reason that Warwick Castle withdrew from pursuing the property as a corporate entertainment venue in the Spring 2013.
- 6. Furthermore, during the listed building planning negotiations with English Heritage regarding the fenestration to Northgate Street, it was clearly explained that due to the listed status of 2-22 Northgate Street (Grade II/II*) <u>secondary glazing would not be</u> <u>permitted</u>. It would be inconsistent for this principle not to apply to the Grade I listed Old Shire Hall.

- <u>Car parking and traffic management</u>. The applicant has not provided evidence of where up to 500 people will park within the vicinity of the property. It is considered most probable that visitors will abuse the existing limited on street parking arrangements and become a public highways nuisance to existing and future residents.
- 8. There is concern that <u>possible antisocial behaviour</u> which may result in damage to property could occur to listed buildings both sides of Northgate Street.
- 9. <u>Ventilation / air conditioning / means of escape</u>. In order to attempt to satisfy the acoustic challenges of the Old Shire Hall becoming a nightclub, or suchlike establishment, the building would need to have suitable air conditioning/ventilation provision which would not be achievable onto Northgate Street without interfering with the acoustic integrity of the acoustic scheme.

Signe

Licensing Act 2003 Representation Form	WARWICK DISTRICT COUNCIL
Section 1 - Application Details	
I object to the following Applica Applicant's name (if known): Warwickshire County Council Premises name and address: The Old Shire Hall, Northgate Street 4SP	
Application for a	Premises Licence
Application to vary an existing	Premises Licence
Application Number	WDCPREM00863

Section 2 - Objector details
Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>
Applicant Title Mr Mrs Miss Other
Surname
First name(s)
Address (incl postcode):

<u>Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.</u>

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is becau	ise			

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of repre	sentation:
Submitted as the	

Section - Objection Details		
My objection is relevant to the following licensing objective:	 Prevention of crime and disorder. Prevention of public nuisance. 	
You can tick more than one box	 Protection of children from harm. Public safety 	

I object to the application being granted at all I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

Northgate, Warwick is a development that could be seen as a town changing scheme. It has transformed Northgate street and undoubtedly added huge value to the area. Prospective purchasers have included a number of MD's and CEO's of Multinationals. This type of purchaser and their family would support and benefit the local trade and community of Warwick. The developer has sought to raise a new standard within this historic market town, therefore we recognise that whilst the Old Shire Hall needs to be utilised, a different approach such as a hotel would be better in the long term for Northgate Street and the town. We believe the proposed use of the hall would negate the ethos and 'image' and ultimately take away from "..the most handsome Georgian street in the Midlands" Alec Clifton Taylor OBE, Six More English Towns.

- 1. Traffic/Parking
 - Northgate Street is currently a largely quiet street. The proposed use would change the nature of it.
- 2. Noise
 - Whilst there are proposed actions in place internally to soundproof and keep nuisance to a minimum, exiting the building with large numbers of people would cause disruption to nearby residents.
- 3. Adverse comments from Public
 - Prospective purchasers maybe put off not knowing the proposed use of Old Shire Hall.

Signe	
Date 26/7/1	6.

Northgate Street Warwick

26th July 2016

Warwick District Council Licensing Team Health and Community Protection Riverside House Milverton Hill Royal Leamington Spa CV32 5HZ

By Hand and email

Dear Sirs

Re: Application Number WDCPREM00863 - Old Shire Hall Warwick

Please find enclosed;

- Completed representation form objecting to the licence signed and dated 26th July 2016.
- 2. Sustainable Acoustics report dated 26th July 2016 in support of our objections.

I would be obliged if you would acknowledge safe receipt.

Your faithfully

Licensing Act 2003 Representation Form	WARWICK DISTRICT COUNCIL
Section 1 - Application Detail	S
I object to the following Applic Applicant's name (if known): Warwick County Council Premises name and address: The Old Shire Hall Northgate Street Warwick CV34 4SP	cation:
Application for a	Premises Licence x Club Premises Certificate
Application to vary an existing	Premises Licence
Application Number	WDCPREM00863

Section 2 - Objector details

Individual Objectors Details:					
If you are objecting as a representative go to the next section					
Applicant Title N	Mr x Mrs x Miss 🗆 Other				
Surname					
First name(s)					
Address (incl pos Northgate Str Warwick					

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because		

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details				
My objection is relevant to the following licensing objective:	x Prevention of crime and disorder. x Prevention of public nuisance.			
You can tick more than one box	 Protection of children from harm. x Public safety 			

I object to the application being granted at all I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

X

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

This is a representation objecting to the application for a premises licence for the Old Shire Hall, Northgate Street, Warwick made by Warwickshire County Council.

The representation relates to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The representation is made on behalf of and the owners and occupants of Northgate Street, a residential property directly opposite the Old Shire Hall.

The objections are based upon:

(a) the unsuitability of the building to become licensed premises and the impossibility of attenuating the impacts of licensable activities effectively, due to the fabric of the building and its listed status;

(b) the unsuitability of the locality to contain late night licensed premises;

(c) the inadequacy of the application itself and the lack of experience and competence of the applicant to hold a premises licence;

(d) the inevitable impacts of the licensable activities upon the objectors and other persons living and working in the vicinity of the proposed licensed premises;

(e) conflict with the Licensing Authority's Statement of Licensing Policy, and conflict with the S182 Secretary of State's Guidance.

We are advised that the application has not been correctly advertised under the provisions of Regs 25 & 26 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 in that the Notices do not contain the notice under Reg 26(4)(f).

Further although the application refers, under the proposed conditions for public nuisance, to guests being 'directed through the main Shire Hall building to leave the main doors onto Market Square', although there are residential premises nearby no notices were erected on that side of the building to alert possible objectors to the application which clearly could have a detrimental effect on those residents in that area.

In summary, the County Council owns these premises, which are Grade 1 listed, and the Council has sought an alternative use for them since the premises closed as a Crown Court in 2010.

The County Council also owned the properties on the opposite side of the road, which are Grade II listed and which were sold for residential use which has now been implemented.

The objectors are the first occupants of the eighteen townhouses created.

Please see continuation sheet.....

Objection continued.....

The proposed premises have been investigated by Merlin Entertainments, the highly experienced operators of, inter alia, Warwick Castle, and Alton Towers, who have publically declined to take on the Old Shire Hall because of their acknowledged inability to mitigate the use of the building to a level appropriate to its residential location. In the face of that situation, the County Council have announced their intention to let the property to another operator, as yet unidentified, to market the building as a late night music and entertainment venue.

The County Council are promoting an application which clearly does not originate with them; is clearly not capable of being operated by them, and for which they have no identified Designated Premises Supervisor.

This is a speculative application, which, if granted, would be placed into the hands of an unknown operator, who would be obliged to work with the proffered conditions which are entirely commercially unviable.

Those conditions would immediately have to be flouted or varied.

The Grade I restrictions of this building make it incapable of any effective sound attenuation, as indeed are the townhouses opposite, as all the buildings which are residential family houses, are restricted to single glazing and limited insulation because of listed building status. The main bedrooms of the building occupied by the Objectors are on the front of the building immediately opposite the proposed premises approximately 7 metres away.

The impacts of the proposed licensable activities upon persons living and working in the vicinity would be severe and incapable of mitigation.

Northgate Street is a narrow, one way street with parking either side. With volumes of persons attending the premises and no adequate parking facilities nearby there would inevitably be major traffic disruption to the locality together with accompanying noise. This would affect those living in it

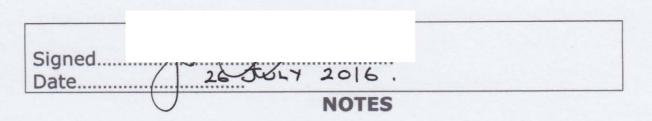
The proposals for exit and smoking areas away from Northgate Street do not take into account the residential properties overlooking those areas.

The objectors have retained acoustic expert, Mr Peter Rogers of Sustainable Acoustics, to confirm the inevitable impacts and the inability of any licensee to mitigate those impacts from this building. The impacts will arise from the entertainments sought to be promoted at the premises, but also from the activity of the proposed patrons and visitors to the premises.

There are particular issues concerning the external activity of those patrons, at the entrances and exits, and smoking areas, and at the key time of dispersal from the premises, as well as persons queuing on entrance, at which time issues of crime and disorder, traffic noise and disruption on a quiet one way street, are also anticipated as a likely impact.

There are no conditions which can mitigate the likely effect of the impacts of the licensable activities and the licensing objectives will not be promoted, but will be breached.

The objectors therefore represent to the Licensing Authority that this application should be refused in its entirety. The objectors reserve the right to amplify this representation at a forthcoming hearing.



- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1
 February I could hear loud music from the premises between
 10pm and 1 am I am concerned that if the premises open until
 2 am this will cause a nuisance to me and other residents of
 the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
- This form must be returned within 28 days from the day after the application was made. The exact date may be found on the council's website.
- The objection may only relate to one or more of the four licensing objectives.

Please return this form when completed to:

Warwick District Council Licensing Team, Health and Community Protection, Riverside House, Milverton Hill, Royal Leamington Spa. CV32 5HZ

licensing@warwickdc.gov.uk

Tel:	01926	456113
Fax:	01926	456121

This may form be posted or emailed to the Local Authority



THE OLD SHIRE HALL, WARWICK

Potential for Noise Impact on Residents

26 July 2016 16-0104-0 Initial Acoustic Review R01v1 PR

1 INTRODUCTION

Sustainable Acoustics have been appointed to investigate the potential noise intrusion for residents that live in a close proximity to The Old Shire Hall, Warwick, should it be used as a music venue.

These preliminary comments are made following an initial technical desktop review by Peter Rogers, whom is a Fellow of the Institute of Acoustics and a registered Expert Witness with 20 years' experience of noise from licensed premises. The opinions expressed are limited to the technical consideration of the potential issues arising from the close proximity of the premises to residential and the likely noise sources that would be introduced when operating as a late night venue.

These comments are ahead of a thorough noise impact assessment, where a noise ambient survey will be conducted over two weekends and the intervening week to establish the underlying background noise climate. A detailed assessment will be reported and made available as part of the submissions as supporting evidence.

2 THE VENUE

It is understood that the Old Shire Hall is the former Law Courts of Warwick and are currently empty. The Warwick County Council own it, and wish to seek a tenant. Warwick County Council have also applied permission for them to use it as a premises for late night entertainment venue. The Premises Licence applies for Live music until midnight Sunday to Thursday and 01:00 on a Friday and Saturday. For audiences of up to 500 people. The premises has applied to serve alcohol over this period.

The building is Grade 1 listed and it is understood that the glazing is single and can not be enhanced.

3 THE RESIDENTIAL

Their properties are directly opposite (approximately 7m) the premises and are themselves Grade 2 listed.



View from no.10 bedroom window



Northgate Street with premises on left, with flag



Part of the planning consent is the windows adjoining Northgate Street can only be single glazed. The bedrooms of the property of interest primarily occupy the side overlooking the Old Shire Hall.

NOISE SOURCES 4

The noise sources being introduced, by virtue of the change of use from a court room, would include:

- Amplified Recorded Music (Typically not less than 95dB(A) is required to make it commercially • viable
- Amplified Live Music (typically 95dB(A) to 105 dB(A) to make it commercially viable
- People noise from within the venue from up to 500 people
- People noise from dispersal through the streets at night
- Vehicle noise from taxi's late into the night (including engines and horns), and delivery vehicles
- Operational noise, such as bottling out

5 IMPACT ON EXISTING NOISE CLIMATE

Whilst measurements will be completed to objectively determine the typical noise levels it is likely, from my experience, that the main noise currently is from traffic activity, with will be likely to reduce significantly during the nigh time period, with long periods where there is no activity.

This would allow residential windows to be open with resident able to benefit from a relatively quiet street soundscape overnight. Typically I would expect the background levels to be of the order for LA90 40dB when there is no passing traffic, rising to LAeq 55 dB at the façade when traffic passes. This would be likely to lead to noise levels of between 25 to 40 dB(A) (briefly) inside bedroom, which is in the realm of the desirable levels of 30dB over 8 hours, set by WHO guidelines for sleep and BS8233:2014 for new homes. This would suggest there is currently a good quality environment that would support sleep even with the windows open.

The impact of the venue being operated for Live or Recorded music to midnight or 1am, with little sound insulation enhancement options available to the glazing means that reduction in internal noise levels will be likely to be not more than 30dB, meaning that music levels on the street late into the night could be up to L_{Aeq} 65dB(A) for recorded music and potentially as high as 75dB(A) for recorded music. With open windows offering not more than a 15 dB reduction this would result in levels of between 50 to 60dB(A) inside bedrooms compared with the WHO and BS8233:2014 desirable levels. Even with the windows closed it would only likely reduce by a further 10dB, so still 40 to 50dB inside, some 20 to 30dB over the WHO target for sleep.

Although actual levels will be investigated this shows that for a consideration of music alone the impact on the existing conditions is likely to be significant.

Add to this the noise from 500 people inside and then dispersing through the streets after the consumption of alcohol, creating noise which is very difficult to control even with tight management plan, the likelihood is for an unacceptable level of impact from the combination of both on residents.







Add to that increased taxi activity in this area, dropping off and picking people up, with the potential for horns being sounded and engines making noise when there would have not been any the cumulative impacts reach a point where it is likely that a nuisance would be caused sufficiently widely affecting a number of people to contravene the licensing objectives or the more stringent consideration of planning which is the protection of residential quality of life.

Given the limitations imposed on the potential for mitigation to the glazing and other Grade 1 elements of the buildings it is unlikely that sufficient reductions in noise levels will be likely to be possible, even if limiters were used to reduce the music. As the levels that they would have to operate at would then not be viable commercially.

6 PROPOSED NOISE CONTROL MEASURES

In the licence application the following statements are made regarding the control of noise from the premises, with my reaction to each on below the claim:

• Sound levels are one of our key concerns and measures will be taken to minimise disturbance.

I agree with this statement, but suggest the following measures will not be sufficient to avoid causing a private and public nuisance.

• Noise levels will be monitored on and off site to ensure compliance with Environmental Health Services recommendations. We will monitor each event as we are fully aware how weather conditions can change how noise travels.

Weather conditions will make little to no difference to the noise levels at 7m distance, and it is not considered feasible to set recommendations that would adequately reduce noise levels at this distance.

• Designated Premises Supervisor/Duty Manager shall ensure no nuisance is caused

How will this be done if it is a nuisance? Would they be happy to stop the event, which could cause a H&S issue ? The point is that if it is not possible to start the event without causing a nuisance then it should not be permitted.

• For evening events, all windows and doors onto Northgate Street will be kept closed after 22:00 hours to negate any potential disturbance to local residents. For large events, security staff will manage guests leaving the complex.

As the windows are only single glazed and will not be permitted to be improved this will make little difference, except perhaps to the clarity of peoples voices.

• Large numbers of guests leaving after 22:00 hours will be directed through the main Shire Hall building via the main doors onto Market Square.

This relies of management, and is not specific around defining "Large". Even a small number of people leaving via Northgate Street entrance would cause disturbance which is not likely to be currently there, so adding to the cumulative impact being experienced by residents.

• Live vocal or instrumental music may be used at weddings and birthday parties. There may also be chamber music or choral events held at the venue. It is expected that there will be a







requirement for some sound to be amplified, however, restrictions will be implemented that limit the type of music which is likely to cause noise disturbance for example rock bands that include drums and bass guitars from playing in the Main Hall. To minimise potential noise disturbance, 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 Environmental Health. The level of the limiter shall not be altered without prior agreement with Environmental Health.

This is simply accepting that there will be a range of live music planned, with high dynamic range of a female vocal likely to be more disturbing and of higher level when amplified than normal pre-recorded music. Any noise limiting device would struggle to control this sufficiently, even if set to commercially unacceptable levels, as the unamplified noise level may exceed the amplified and cause clearly audible sound inside the residential 7m away, even with windows closed. The idea of using percussion is also stated clearly, which will not be limited by the amplified system unless electronic and will create high noise levels of those assumed. This only re-emphasises the fact that the controls via an acoustic limiter on the sound system is a flawed control measure in this case, for the reasons stated.

• Amplified sound will be required to finish no later than 01:00 hours, except for New Year's Eve.

This may mean that residents will not be able to sleep until well after this, when people have dispersed, perhaps by 2am.

• The Council will be pursuing additional acoustic measures in keeping with a Grade 1 listed building, to manage amplified noise. As soon as any solutions have been agreed and the appropriate planning consents have been obtained.

It is unlikely, in my experience, that even secondary glazing will be permitted, but in any event even it is can be there will also be ventilation weakness, doors and other routes through which sound can be transferred to the street which should have been properly and fully considered in an acoustic report that accompanied the application to show how this would be done. There is not such report, and in my experience this shows that there is no such confidence that the technical controls could be viable.

• Environmental Health Services will be contacted to reassess the acceptable noise levels.

This is of no use if the commercial levels would have to be so low as to be not viable. There needs to be a clear case made that it could be before this is considered.

• A designated smoking area will be provided in the gardens to the rear of the Old Shire Hall as marked on the plan and guests will be directed to this area. The events team will ensure no more than 10 people at a time congregate in the gardens/smoking area to the rear of Old Shire Hall after 22:00 to minimise any potential disturbance to local residents.

It is not clear why this would be workable for 500 people, and even 10 people could make considerable noise that could affect a quiet area.

• There is a possibility that for large ticketed events a queue may form on Northgate Street which shall be managed in such a way that prevents noisy or rowdy behaviour and therefore minimises disturbance or nuisance to neighbours.

No sensible suggestion for how 500 people who have consumed alcohol would be controlled to this extend has been made, and in my experience this would be not possible.







7 CONCLUSIONS

I am Peter Rogers of Sustainable Acoustics Limited, who have over 20 years' experience in noise control and the design and assessment of licensed premises. I am an independent consultant, and a Trustee of the Institute of Acoustics.

In my experience, and ahead of a more thorough study, for the reasons set out in this document I consider the proposed use as a live music venue for up to 500 people to be fundamentally likely to cause a Public Nuisance when considering the likely impact on existing resident's noise environment when they will be attempting the sleep.

It is my opinion that the limitations imposed on the noise control mitigation that would be possible on this Grade 1 listed building would not allow it to be improved sufficiently to avoid a private and public nuisance to be caused by the music, singing, drums (amplified or unamplified) and the noise created by people dispersing, using the garden area and the noise from the additional traffic (including taxi's in particular). The mitigation measures proposed by the applicant are flawed and unsound technically, for the reasons given, and the application should have been accompanied by an acoustic report which showed how it would be viable to treat the building within its constraints. This lack of supporting evidence is significant.

To permit this application would be likely to fundamentally change the character of this area, and cause residents to be unlikely to sleep, even with windows closed until around 2am.

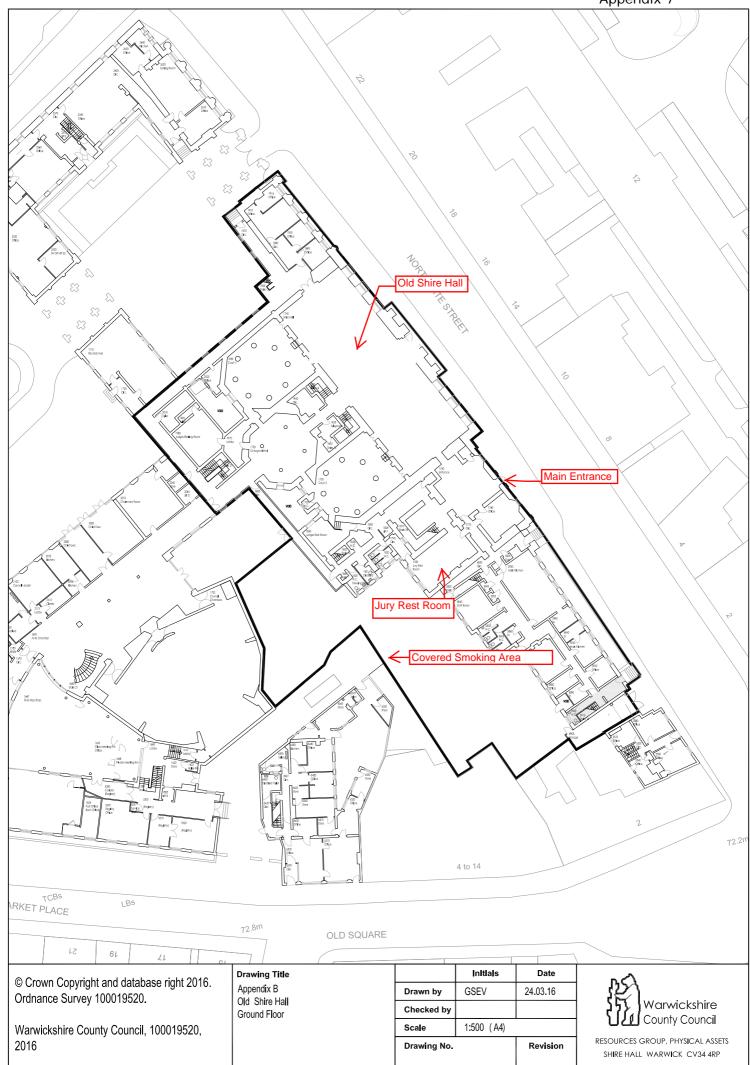
This level of disturbance is likely to be completely unacceptable and likely to lead to the need for statutory action in anticipation of nuisance being caused, as it stands.

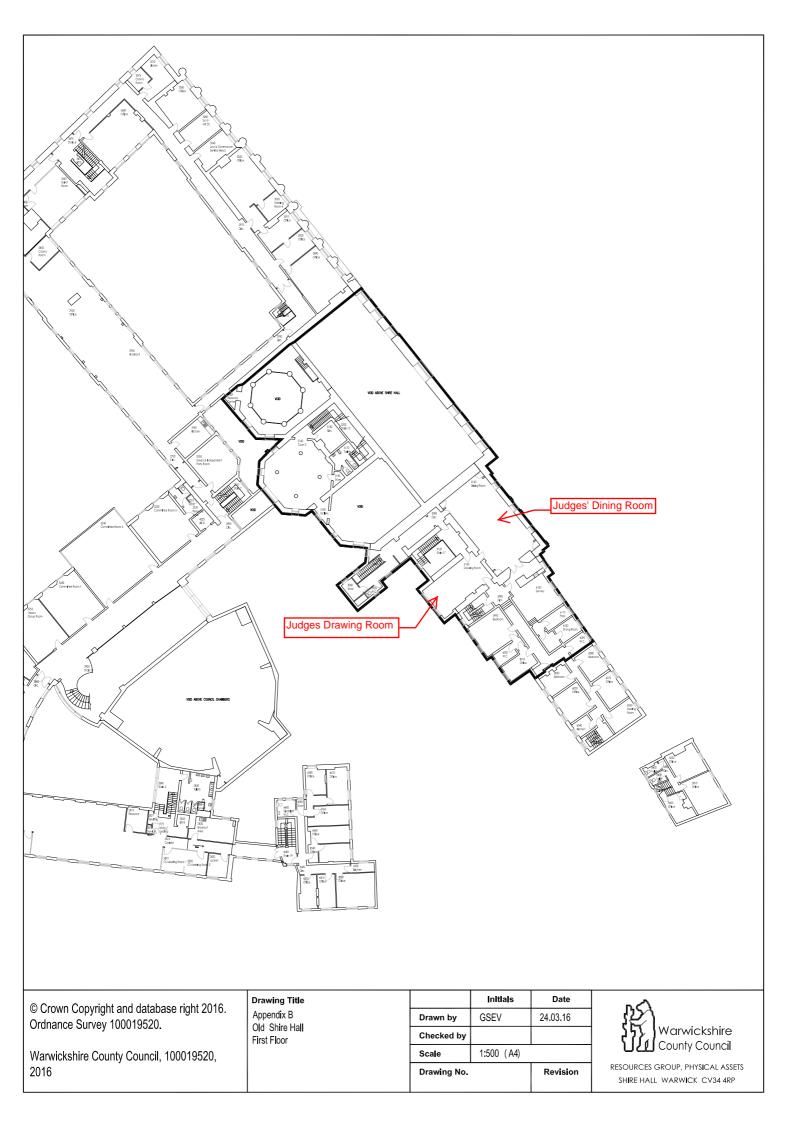
On technical grounds I would strongly recommend that this application is rejected, on grounds that any conditions would not adequately control the risk of cause significant noise impact and nuisance.

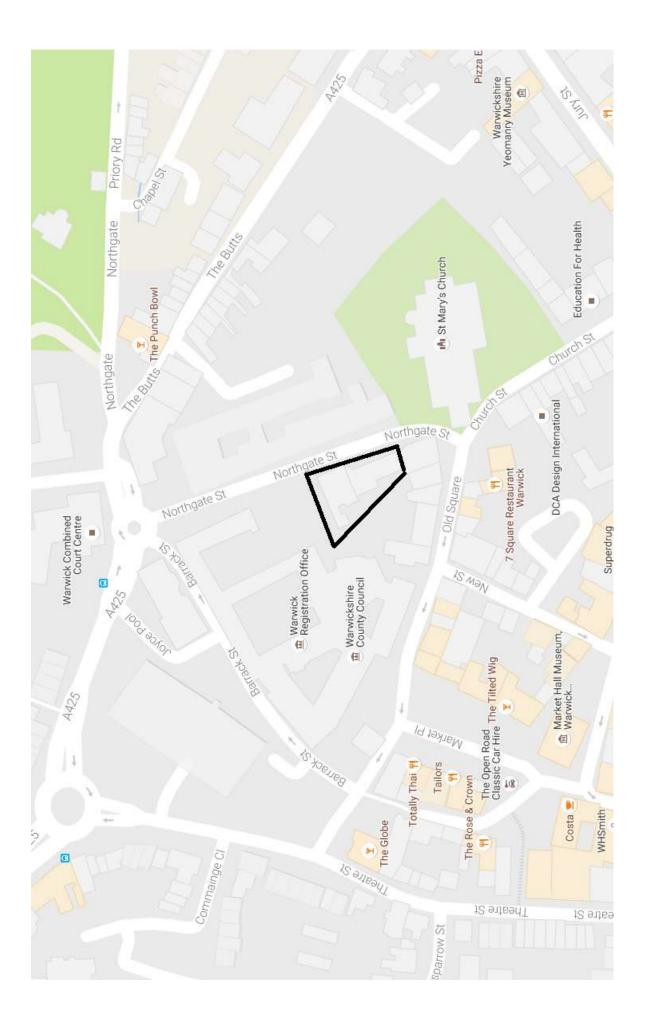


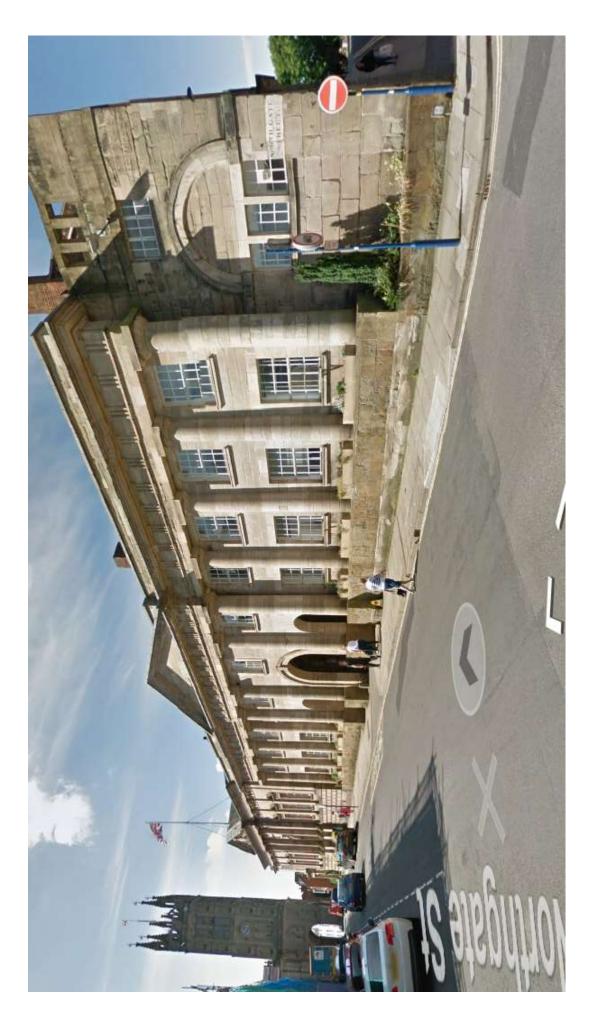
















STATEMENT OF LICENSING POLICY

Reviewed May 2014 & Approved by Warwick District Council on 25 June 2014

Page 1

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1. Summary and purpose

- 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 the guidance issued under Section 182 of the Act.
- 1.2 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 138,000 people. The District covers four towns, Royal Learnington 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 policy will relate to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.
- 1.4 The aim of this Policy is to demonstrate how WDC, will promote the four licensing objectives. These objectives are:
 - prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and
 - protection of children from harm.

WDC recognises that the promotion of the Licensing Objectives relies heavily on a partnership between license holders, authorised persons, responsible authorities and other persons in pursuit of common aims.

- 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 Responsible Authorities, applicants for and holders of premises licences, objectors and residents on the general approach that the Licensing Authority will implement through its Licensing Committee
- 1.7 When making its decisions on licensing applications, the Licensing Authority will have regard to the matters contained in this Statement, the Act, the guidance issued under section 182 of the Act, 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), and the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.
- 1.8 This Statement covers the period up to 30th August 2018 and will be kept under review and revised as required, following consultation where necessary.

2. Licensing Policy & South Warwickshire Community Safety Partnership

- 2.1 The 1998 Crime and Disorder Act and subsequent amendments require the Police and local authorities to work together and with others to reduce crime and disorder. To this end, Crime & Disorder Reduction Partnerships were formed and are now called Community Safety Partnerships.
- 2.2 South Warwickshire Community Safety Partnership (SWCSP) was formed in September 2008 when the district crime and disorder partnerships for Stratford & Warwick districts merged following years of close collaboration. The vision statement for SWCSP is `*that the districts should be an attractive, environmentally sustainable, desirable area to live in, work and visit, with a sense of safety which reflects the low risk of becoming a victim of crime in the area'.*
- 2.3 Tackling violent crime has remained a priority in Warwick District since 1998 with Leamington Town Centre as the main focus of partnership activity. Tackling violent crime and specifically street violent crime is one of three SWCSP priorities. A 60 point partnership action plan is in place to reduce violent crime and rowdy behaviour in our town centres.
- 2.4 The policy of working with licensees in South Warwickshire has delivered national best performance and practice.
- 2.5 The age group most likely to be victims and perpetrators of violent crime is 18-30. A key initiative to engage with this group is Operation `Your Town, Your Choice' which takes place on pay-day weekends in hot-spots at the busiest times of 9pm to 4am. An early intervention approach is used utilising direct to leave dispersal authorities together with designated public places powers and has a real impact on reducing violence and rowdy behaviour.
- 2.6 This best example of partnership working across all agencies in South Warwickshire illustrates the commitment to tackling on-street violent crime. In addition enhanced policing, Street Marshals, Street Pastors and CCTV control rooms support this approach.
- 2.7 Joint Licensing Enforcement visits are a key feature of these evenings ensuring that licensees are taking their responsibilities seriously. Engagement with 18 to 30 year olds is carried out on roads closed to traffic. Health related activities are offered in exchange for completing questionnaires on particular themes, for example, pre-loading. Results from these activities and questionnaires inform how and when the hot-spots are staffed and how young people can be assisted in having an enjoyable and safe night. A unique partnership pilot with St John Ambulance Service has provided a care and repair service on busy nights in Leamington called `The Cabin' and staffed by up to 10 volunteers.
- 2.8 A further developing part of this approach is the Street Pastor Scheme introduced in 2013. The scheme provides a vital service, and integrates well into the overall multi-agency approach adopted. Further information about Street Pastors may be obtained on their website at <u>www.leamingtonspa.streetpastors.org.uk</u>

3 Delegation of Functions for Regulatory Matters

- 3.1 The Council has established a Licensing Committee with delegated powers to deal with licensing matters
- 3.2 The Licensing Committee has delegated the decision making to Licensing Panels when a hearing is required. These Panels are sub-committees consisting of three members of the full Committee. All other matters that do not require hearings have, upon Home Office advice, been delegated to officers.

4 Further Strategies

- 4.1 WDC has adopted the following strategies that it feels will help it to achieve its desired goals:
 - It will work together with all partners as well as local businesses and residents to try to achieve an acceptable level of harmonisation between the two, accepting that this may not always be possible.
 - It accepts that an active and successful Crime and Disorder Partnership is one of the key factors in achieving its desired goals.
 - It recognises the importance of working with other agencies and holds and organises a Multi- Agency Licensing Group on a regular basis to discuss any problems that may arise within its district.
 - The value of action plans as a method of obtaining compliance from premises is recognised and used whenever they become necessary.
 - An <u>Enforcement Policy</u> which incorporates the <u>Regulator's Compliance Code</u> has been adopted. Both of these may be found on WDC's website,
 - In recognising the need to minimise late night noise nuisance, WDC would expect that after 23.00 all persons outside the premises would move indoors, and that any sound, amplified or unamplified, from within the premises should not disturb residents in neighbouring domestic properties. However, any conditions added to the premises licence to achieve this aim will be proportionate, enforceable and relevant to that particular premise.
 - WDC has adopted a special policy addressing the cumulative impact of the number of licensed premises in Learnington Spa Town Centre. Full information on this policy may be found at paragraph 10 below.

5. The four Licensing Objectives

5.1 Prevention of Crime and Disorder

- 5.1.1 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, and to do all it reasonably can to prevent crime and disorder in the District.
- 5.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

- 5.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for high levels of disorder that this type of premises may cause to the night time environment.
- 5.1.4 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. Any conditions added will precise and enforceable and will be unambiguous and clear in what they intend to achieve.
- 5.1.5 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 restricted alcohol areas
 - 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;
 - all current police and local authority powers of closure in force at the time
 - the power of police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

5.2 Public safety

5.2.1 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 and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.3 Prevention of public nuisance

- 5.3.1 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. The conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve. 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.
- 5.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all patrons of a licensed premises will move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.
- 5.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were still being achieved.
- 5.3.4 The Licensing Authority expects that premises should usually be closed within half an hour of the end of the last licensable activity.
- 5.3.5 The Live Music Act 2012 removed live music from the scope of the Licensing Authority, subject to the satisfaction of certain criteria, so it is recognised that its controls in this respect have been reduced. However, conditions may be added or reinstated at a review hearing which will bring live music for that particular premises into the licensing regime. This means that it would be within the licensing Authority's powers, at a review hearing, to place a condition on the premises licence prohibiting the playing of live music at any time. This may arise, for example, if the premises is not suitable for the live music being played; or if frequent disturbance is being caused by the music.

5.4 Prevention of Harm to Children

- 5.4.1 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. However, this authority does not consider that children should be encouraged to mix in areas that are frequented by the adult drinking public, such as busy town centres. For this reason, birthday parties, etc., for the 18 and under demographic will be actively discouraged in these area.
- 5.4.2 Areas that may give rise to particular concern in respect of children include premises:
 - 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 may be provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 5.4.3 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.
- 5.4.4 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.
- 5.4.5 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.
- 5.4.6 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.
- 5.4.7 The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children. Such conditions will be appropriate to the premises and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.
- 5.4.8 The Licensing Authority expects all premises to comply with statutory conditions requiring that a policy must be adopted, laying out how they will address underage drinking. This must be shown in the operating schedule of any premises licence application or variation.

NOTE: In the event of any variation submitted to remove any conditions where a hearing is necessary, evidence would be expected to be submitted to the Licensing Panel by the applicant that the change would not impact on the licensing objectives

5.5 Health

- 5.5.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.
- 5.5.1 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

5.6 The Licensing Authority as a Responsible Authority

- 5.6.1 The Licensing Authority are empowered to make representations against new applications for and variations applications to premises licences, as well as call for a review.
- 5.6.2 A procedure has been put into place to ensure that any representation made by the Licensing Authority as a Responsible Authority will be made without prejudicing its ability to determine the application in a fair and objective manner.

6. Other Considerations

6.1 Live Music, Dancing & Theatre

6.1.1 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 to residents will try to be balanced with the wider cultural benefits to the wider population.

6.2 Integration of Strategies

- 6.2.1 The Licensing Authority will 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.
- 6.2.2 Specific conditions may be attached to premises licences, where appropriate, to reflect local crime prevention strategies. Such conditions may include
 - the correct use of well installed closed circuit television cameras;
 - the provision and use of shatterproof drinking receptacles;
 - a drugs and weapons search policy;
 - the use of ID scanners
 - the use of registered door supervisors;
 - specialised lighting requirements;
 - restrictions on hours of opening and licensable activities.
- 6.2.3 Certificates issued to club premises will 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.

7 Other regulatory regimes

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

7.2 Health and Safety

7.2.1 Premises will normally have been visited by the Council's Health and Community Protection 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 that duplicate statutory H&S requirements.

7.3 Fire Safety

7.3.1 Premises and their operators will have statutory duties under the current fire safety regime to ensure the safety of patrons visiting the premises. The operating schedule should state the precautions that will be taken to ensure the safety of the public.

7.4 Food Hygiene

7.4.1 Premises selling alcohol and/or premises engaged in a food business must be registered with WDC and subject to risk-based food hygiene inspections at regular intervals. The inspections are carried out by the council's Health and Community Protection officers.

7.5 Noise

7.5.1 Statutory and public nuisances are dealt with by the Council's Health and Community Safety Section under the Environmental Protection Act 1990 and associated legislation.

7.6 Planning

7.6.1 Premises that apply for a licence or a variation of a licence should be aware that they may also need planning permission to carry out the activities applied for.

8 Standard Conditions

8.1 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 will be tailored to the individual styles and characteristics of the premises and events concerned and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

9 Enforcement

9.1 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 Licensing Group.

10 Special Policy Regarding Cumulative Impact

- 10.1 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.
- 10.2 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 the relevant part of the guidance issued under section 182 of the Act.
- 10.3 The Licensing Authority formed two saturation zones, based on information supplied 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.
- 10.4 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. Properties on both sides of any road which borders the zone are deemed to be included within the zone. A plan of the zone may be found at the end of this policy as Appendix 1.
- 10.5 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.
- 10.6 The special policy regarding cumulative impact will not be used to try to revoke an existing licence or certificate when representations are made about the way the premises are being operated. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 10.7 The Licensing Authority will not operate a quota of any description including the 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.
- 10.8 If an application for a premises 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

- 10.9 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.
- 10.10 The policy will be subject to review.

11 Responsible Authorities

- 11.1 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy as Appendix 2.
- 11.2 Responsible Authorities are able to make representations regarding new or variation applications for premises licences and also to seek a review of a current premises licence.
- 11.3 Representations will only be relevant if they relate to one or more of the licensing objectives referred to in paragraph 5.

12. Early Morning Restriction Orders (EMROs) and Late Night Levy (LNL)

- 12.1 Following a report from officers, Warwick District Council's Licensing Committee recommended to full Council that it was felt, at the current time, the application of a LNL or EMROs was not appropriate for the council's area.
- 12.2 The Licensing Committee's recommendation was accepted by full Council during 2013.
- 12.3 However this Council, in March 2014, has requested officers to review the situation subsequent to Central Government's current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District.

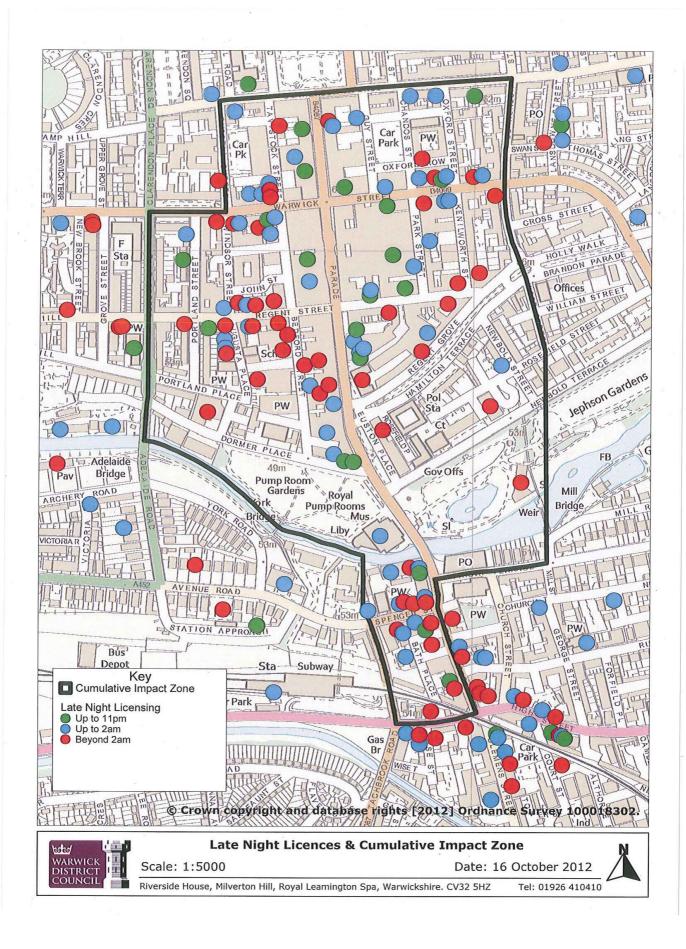
13 Restricted Drinking Zone

- 13.1 The Criminal Justice and Police Act 2001 includes a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The act gives local authorities the power to designate areas Restricted Drinking Zones' where it will become an offence for any person to drink alcohol after being requested int to do so by a police officer.
- 13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.
- 13.2 This means that, anywhere in the district, it is an arrestable offence to fail, without reasonable excuse, to comply with a police officer's request to cease drinking alcohol. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession.

14 Further Information

- 14.1 The Licensing Authority has produced guidance documents for applicants.
- 14.2 The Council's Health and Community Protection Section offers advice on the process for, and, progress of, applications and as to whether particular activities need to be licensed. If detailed advice on the requirements of the legislation and how it affects you and your premises is required, independent legal advice should be sought.
- 14.3 The granting of a licence under the Licensing Act 2003 does not obviate the need for permissions or consents required under other legislation.





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 684033 Fax: 01926 684038 Email: <u>Liquor.Licensing@warwickshire.pnn.police.uk</u>

FIRE AUTHORITY:

County Fire Officer Warwickshire Fire & Rescue Service Warwick Street Leamington Spa CV32 5LH

Tel: 01926 423231 E.Mail: <u>firesafety@warwickshire.gov.uk</u>

ENFORCEMENT AGENCY 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: <u>ehsafety@warwickdc.gov.uk</u>

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Environmental Sustainability Manager Health and Community Protection Warwick District Council Riverside House Milverton Hill Royal Leamington Spa CV32 5HZ

Tel: 01926 456714 Email: <u>ehpollution@warwickdc.gov.uk</u>

THE LICENSING AUTHORITY:

Safer Communities Manager Health and Community Protection Warwick District Council Riverside House Milverton Hill Royal Leamington Spa CV32 5HZ

Tel: Email:

AUTHORITY RESPONSIBLE FOR PLANNING:

Gary Fisher Group Leader Development Control Warwick District Council Riverside House Milverton Hill Royal Leamington Spa CV32 5HZ

Tel: 01926 456541 Email: <u>gary.fisher@warwickdc.gov.uk</u>

BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:

Keith Edwards Assistant Head of Service Planning and Performance Children Young People and Families Directorate Saltisford Office Park, Ansell Way Warwick CV34 4UL

Tel: 01926 731139 Email: <u>sslicensingapplications@warwickshire.gov.uk</u>

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Simon Coupe Divisional Trading Standards Officer Old Budbrooke Road Warwick CV35 7DP

Tel: 01926 414040 Email: <u>simoncoupe@warwickshire.gov.uk</u>

PUBLIC HEALTH ENGLAND:

Public Health Department (Licensing) NHSWarwickshire/Warwickshire County Council PO Box 43 – Shire Hall Warwick CV34 4SX

Email: PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk