

		Licensing Panel 19 September 2013	Agenda Item No. 4
Title		Application for the grant of a premises licence under the Licensing Act 2003 for Altoria, 45 Warwick Street, Leamington Spa	
For further information about this report please contact		Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected		None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?		No	
Date and meeting when issue was last considered and relevant minute number		N/A	
Background Papers		None	

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

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

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a new premises licence from Warneford Bars Limited for Altoria, 45 Warwick Street, Leamington Spa.
- 1.2 A hearing was held at the Town Hall on 3 September 2013. At the hearing further evidence was provided by Warwickshire Police which had been requested by the applicant's solicitor. The panel made the decision to defer the hearing to a later date to allow the applicant sufficient time to review the evidence supplied.
- 1.3 Representations have been received in relation to this application for the consideration of the panel in the determination of this application.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the grant of a premises licence for Altoria, 45 Warwick Street, Leamington Spa, should be approved and if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Warneford Bars Limited have applied for a premises licence for 45 Warwick Street, Leamington Spa. The table attached as appendix 1 shows the licensable activities that have been applied for.
- 3.2 An operating schedule which will form part of any licence issued has been supplied as follows:

General

Door supervisors to be employed every Friday and Saturday night and to start no later than 21:00 hours.

Door supervisors to be employed on the Sundays preceding Bank Holiday Mondays, Christmas Eve and Boxing Day when open past 01:30 hours and to start no later than 21:00 hours.

Door supervisors must be employed within the 'night club' area of the 1st floor, as per submitted plans, on every occasion the section is open to the public by payment or otherwise after 21:00 hours.

The DPS must make regular professional risk assessments on number of door supervisors required to ensure sufficient control of whole of venue is maintained.

The DPS must make regular professional risk assessments on when to employ door supervisors at any other time than stipulated in the licence.

Door staff must wear their SIA badges in Hi-Visibility arm bands in clear sleeved pockets so that they can be clearly identified by customers and CCTV.

The premises must retain 'Profiles' for all door staff that are currently working at the premises and those that have worked at the premises for the previous 3 months. 'Profiles' will consist of proof of identity (Passport/Driving licence/SIA badge) and proof of address dated in the last 6 months (utility bill/bank statement /mobile phone bill). Profiles are to be made available for inspection immediately on request by an authorised officer.

Door staff must sign on and off duty every night they work.

CCTV must be installed and operating at all times the premises is open for licensable activity.

Cameras must cover all public areas and include entrances and stairwells and must include head and facial recognition coverage. The images must be digitally recorded and retained for a minimum of 31 days. At least one member of staff must be on duty at all times when licensable activity takes place who can operate, access and download the images on request of an authorised officer. The images must be recorded in real time to a minimum of 12 frames per second. The system to be inspected and signed off by Warwickshire Police Architectural Liaison Officer.

The premises must remain an active membership of locally police approved Pubwatch scheme (if in existence) and radio scheme. It must conform to the Pubwatch policy and procedures and DPS or manager must attend pre-arranged meetings.

All staff training records mentioned in the operating schedule or conditions must be maintained and kept on the premises, and be available for inspection on request by an authorised officer.

Public safety

First aid training for designated members of staff must be carried out, and a professional health and safety risk assessment carried out regularly. A professional risk assessment must be carried out weekly and staff trained in the event of an emergency.

The DPS must make ongoing professional risk assessments as to whether to replace glassware with polycarbonate glasses and bottles in the premises as a whole or any particular area of the venue and for any particular event.

The capacity for the premises as per the fire risk assessment must be displayed in a prominent position near the front of the premises.

A sufficient number of staff must be on duty to ensure empty glasses and bottles are cleared quickly and efficiently.

The prevention of public nuisance

Condition (a) to (c) referring to outdoor drinking in the street must only be in the cordoned off table area and is subject, in all cases, to a table licence being applied for, granted and in place and;

(a) Must cease by 20:00 and all of the tables and chairs must be removed completely from the street by this time.

(b) No open vessels must be removed from the premises at any time save for (a) above.

(c) The DPS or designated manager must make ongoing risk assessments depending on events at premises or in locality as to whether to remove the tables and chairs in the outside area earlier than 20:00.

All windows and doors must be kept closed after 23:00 hours, save for egress or entry.

The premises must be monitored regularly inside and out and results must be recorded in a noise monitoring log. All staff and door staff must be trained to request the quiet departure of customers.

Ventilation must be maintained to prevent nuisance of odour and noise to the satisfaction of Environmental Health.

Noise limiters must be fitted and used to the satisfaction of Environmental Health.

Noise emitted from the premises must not be a nuisance beyond the premises boundary.

A main entrance lobby must be provided that incorporates a double door

system (i.e. an outer door and inner door with good separation allowing the doors to be open in turn to minimise the escape of noise from the premises.

The protection of children from harm

Anyone under 18 of age will not be permitted on the premise after 21:00 hours, except in the following circumstances;

- a) When attending a private function that is not open to the public and then only with the express permission and knowledge of the DPS or someone acting under his or her authority.
- b) The person under 18 is in the company of a responsible adult.
- c) The person under 18 is attending a pre-arranged 'Under 18's' event of which tickets must have been pre-sold. Any event of this nature must finish by 22:00, and no alcohol will be sold or on display during these events.
- d) At 'Under 18' events any person appearing under influence of alcohol for these events must be refused entry. The premise must operate the 'Challenge 21' scheme and appropriate signage must be displayed. The only ID that is permitted to be accepted is passport, driving licence with photograph or an accredited proof of age card bearing the PASS mark hologram. An ID scanning device must be installed, maintained and used when deemed appropriate. Any ID that is seized under current Home Office guidelines must be handed in to Leamington Police Station within 72 hours of seizure.

- 3.3 Relevant representations have been received from Warwickshire Police, attached as appendix 2. Further evidence was supplied at the hearing held on 3 September 2013. However, due to the sensitive nature of the evidence Warwickshire Police have asked that this not be included within the agenda.
- 3.4 Environmental Health, attached as appendix 3 and three residents within the vicinity attached as appendices 4 to 6.
- 3.5 **These premises are contained within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**
- 3.6 A map of the area of the premises is attached as appendix 7.
- 3.7 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 8)
 - d) The Licensing Objectives, which are:-
 - i) The Prevention of Crime and Disorder.
 - ii) Public Safety.
 - iii) The Prevention of Public Nuisance.
 - iv) The Protection of Children from Harm.

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

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

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

4. **BUDGETARY FRAMEWORK**

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

5. **ALTERNATIVE OPTION(S) CONSIDERED**

5.1 No alternatives may be considered

6. **BACKGROUND**

6.1 None