

 Licensing & Regulatory Committee 22 August 2017		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for HART & CO, 27 Augusta Place, Royal Leamington Spa, CV32 5EL	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	8.8.2017	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps: N/A		

1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Ms Louise Hart for HART & CO, 27 Augusta Place, Royal Leamington Spa.
- 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 HART & CO, 27 Augusta Place, Royal Leamington Spa should be granted and, if so, whether the licence should be subject to any conditions.

3. **Reasons for the Recommendation**

- 3.1 Ms Hart applied for a premises licence for 27 Augusta Place, Royal Leamington Spa on 4 July 2017. The premises licence application is for Restaurant and Bar selling alcohol and providing regulated entertainment. Details of the application are set out in the table attached as appendix 1.
- 3.2 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

General

HART & CO is a friendly family run restaurant and bar situated in Augusta Place. We are looking to develop the business into a national chain whilst still holding onto our distinct family values.

We aim to create a loyal following of guests by creating a warm, relaxed and welcoming atmosphere. We are proposing a change in licence to allow guests the freedom to have an alcoholic drink whether they choose to dine with us or not.

We have a well-trained management team and a training programme to ensure all staff are briefed on the licensing objectives covering in particular no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, no violent or anti-social behaviour and that there is a need to protect children from harm. The proposed DPS for the premises understands the responsibilities associated with all four of the licensing objectives and will take steps to ensure the objectives are met.

Prevention of Crime and Disorder

- 1. A panic alarm will be installed within the property which will be easily accessible to staff.
- 2. External lighting will be installed to ensure that the property is well lit to deter burglars.
- 3. Clear signage throughout the property inside and out will be displayed to ensure criminals know there is CCTV and alarms installed.
- 4. The company will join and remain an active member of the local Pubwatch and radio scheme.

5. A noise limiter must be in place and used to the satisfaction of the Environmental Health Authority.
6. Staff training will be conducted to ensure we do our utmost to prevent crime.
7. Daily security briefings will be conducted between all team members to ensure that we are staying alert and aware.
8. Managers will conduct security reviews as part of their walk around once a week.
9. Staff induction training will heavily focus on our licensing procedures and the four licensing objectives.
10. All staff will undertake drug awareness training.
11. Management will ensure that staff have all resources and training to ensure crime is prevented.
12. No persons to enter the premises where they are believed to be drunk or in the possession of drugs.
13. No supply of alcohol if there is no Designated Premises Supervisor.
14. Door supervisors will be employed on Friday and Saturday evenings as well as on 'special occasions' such as New Year's Eve and Bank Holidays.
15. The premises licence holder will ensure standards are set and followed by staff with disciplinary consequences if not adhered to.
16. There will be a form of capacity management.
17. Rules within the bar and restaurant will be adhered to.
18. No glass vessels outdoors.
19. When employed effective search policies will be conducted by door supervisors.
20. Toilet areas will be supervised.
21. Intoxicated people will not be served or allowed onto the premises.
22. Locked storage area for alcohol.

Public Safety

1. All staff will be trained to HART & CO standards.
2. There will be at least one first aid trained member of staff in the property during opening hours.
3. All staff to be trained in fire safety and fire drills to be carried out monthly.
4. Fire alarm to be tested weekly to ensure it is in good working order.
5. Entry to guests who are intoxicated will be prohibited.
6. Internal and External lighting to be installed to enhance public safety.
7. Emergency Lighting to be installed.
8. Glass collection policy in place.
9. Temperature levels to be kept at a safe standard otherwise we will not open for business.
10. Electric, Gas, Fire and relevant equipment checks to be maintained.
11. Risk assessments will be carried out.
12. All areas of the property are to be risk assessed before opening.
13. Weekly risk assessments to be reviewed.
14. First aid boxes will be kept on site which are to legal standard. The boxes will also be checked weekly to ensure that they are fully stocked.
15. Accident book to be kept, utilised and reviewed and noted in risk assessments.
16. Written policy in place on how to deal with accidents and emergencies.
17. Documented capacity levels throughout the shift and occupancy levels will be based on the premises ongoing risk assessments.
18. Fire risk assessments to be strictly adhered to.
19. Public Liability Insurance must be maintained in respect of the premises.

20. HART & CO staff to do their utmost to promote safety.
21. Discourage drink driving by displaying posters around the site using drink aware campaign materials.
22. Ensure all customers are aware that there are small measures of alcohol to be noted in the menu, on price lists and other printed material which is available to customers on the premises and where a customer does not in relation to the sale of alcohol state their specific measure, the customer will be made aware of the measures available.

Protection of Children From Harm

1. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
2. Those customers who appear to the responsible person to be under 25 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
3. Access to the premises by persons under the age of 18 years is strictly allowed for those who are dining only and no person under 18 years may remain on the premises after 9pm.
4. Posters to be displayed on the premises promoting a strict no ID no sale rule.
5. Refusals book to be updated and stored behind the bar and reviewed by managers at the end of each shift.

Prevention of Public Nuisance

In order to run HART & CO in accordance with our values it is important to create a harmonious relationship with our neighbours may they be residents or businesses. We shall ensure this happens by keeping to the following standards.

1. Restrict the use of external areas after 9:30pm.
2. Display prominent exit notices.
3. Provide a free taxi phone service and indoor waiting area.
4. Door supervisors during weekends and other busy days.
5. Noise Policy.
6. Contact telephone numbers given to all residents within Augusta place.
7. Deliveries restricted to normal working hours.
8. All regulated entertainment that is permitted will take place inside the premises.
9. The DPS will implement a 30 minute 'drinking up' time to allow appropriate dispersal of customers.
10. All windows to be kept closed after 9:30pm.
11. Thirty minutes before closing, the style of music is to change to a slower tempo and quieter style as part of the rundown procedure.
12. Management must arrange for the front of the premises to be cleaned for the purpose of removing litter every morning and every evening.
13. Management to ensure that intoxication is not encouraged.
14. Carefully thought out drinks promotions.
15. Drinking games are not permitted.

- 3.3 The Licensing Department have received five representations in relation to this application. Objections have been received from residents within the vicinity, attached as appendices 2 to 5 and a local charity attached as appendix 6.
- 3.4 Representations were received from Warwick District Council Environmental Health and Warwickshire Police, however, following discussions taking place between Environmental Health, Warwickshire Police and the applicant, conditions have been agreed and subsequently the representations have been withdrawn. These conditions will form part of any premises licence issued. The conditions agreed are:
1. When door supervisors required they are to start no later than 21.00hrs and to be on duty until the premises is closed.
 2. CCTV to be installed and the premises licence holder must ensure that :-
 - a. CCTV cameras are located within the premises to cover all public areas.
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
 - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 - f. Downloads will be provided to the Police upon reasonable request in line with the Data Protection Act.
 - g. Signed off by Warwickshire Police Architectural Liaison officer.
 3. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
 4. The licence holder or their representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
 5. All external doors and windows shall be kept closed after 21:30 hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
 6. No open vessels shall be taken outside the curtilage of the premises at any time.
 7. The premises licence holder (or his/her nominees) shall ensure that any patrons using the outside areas do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

3.5 No representations have been received from:

- Fire Authority
- Trading Standards
- 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

3.6 A premises licence issued under the Licensing Act 2003 was in place from 2005 and the premises until 2011 were known as either Kasa, Barcode, Afterlife and then G's Bar. The premises licence lapsed in 2011 due to bankruptcy. Punch Taverns applied for a premises licence at this address in July 2016, this licence is still in place. However, this does not affect Ms Harts ability to apply for a new premises licence.

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

3.8 A 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.