

		Licensing Panel 19 March 2014	Agenda Item No. 4
Title		Application for the grant of a premises licence under the Licensing Act 2003 for The Assembly and Zephyr Lounge.	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	6.3.2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
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 Lost In Vegas Entertainment Limited.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the grant of a premises licence for The Assembly and Zephyr Lounge, Spencer Street, Leamington Spa, should be approved and, if so, whether the Licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Lost In Vegas Entertainment Limited applied for a premises licence on 31 January 2014. The table attached as Appendix 1 shows what has been applied for.
- 3.2 Currently the premises operate under three licences, one for Zephyr and two for The Assembly. This licence would incorporate both these premises into one licence. Appendix 2 shows the current hours the premises may operate under each three of these licences.
- 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

Training programme in place to ensure all staff are briefed on the licensing objectives.

No underage drinking or drunkenness on the premises or outside of the premises.

The use of drugs, violent or anti-social behaviour will not be tolerated.

Staff training records must be maintained and available for inspection on request by an authorised officer.

The prevention of crime and disorder

Internal and external lighting will be checked regularly.

The premises will operate a zero tolerance policy against drugs.

Customers found with or using drugs will have them confiscated, their details taken and police called or notified as appropriate.

The premises must have a full incident recording system, where all incidents are recorded, whether any of the emergency services have been called or not and to be made available for inspection on request by an authorised officer.

All door supervisors to be SIA registered and badged.

Door supervisors to start no later than the start of the event on dates when required.

When live bands are playing, door staff required unless prior agreement with police on production of a full risk assessment within 14 days of the event.

If premises open to public in the form of a disco/nightclub, whether for payment or otherwise door staff required.

With all other events DPS to make full professional risk assessments on the requirement of door supervisors.

DPS to make risk assessments depending on the event taking place whether to use plastic/polycarbonate glasses instead of glass due to risks associated with balcony area and staging.

CCTV to conform to British Standard – and offer live time recording on each camera. Images to be retained for a minimum of 31 days. Cameras to be sited in positions agreed with Warwickshire Police Architectural Liaison Officer. At least one member of staff must be on duty at all times who can operate, access and download the images upon the request of an authorised officer.

No off licence sales after 23:00 hours

No open vessels to be removed from the Premises on or off licence sales.

All windows and doors to be closed after 23:00 hours (except egress and entry)

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

No persons that have been ejected by nearby nightclub, Evolve to be allowed entry into premises.

CCTV to be installed, maintained and used whilst licensable activities are taking place. The CCTV must include Head and facial recognition coverage; 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 who can operate, access and download the images upon the request of an authorised officer.

Images will record in real time a minimum of 12 frames per second.

The System and the camera locations must be agreed and signed off by the Warwickshire Police Architectural Liaison Officer.

Public safety

A member of staff who has been trained in first aid will be on duty at all times premises open to the public.

Health and safety risk assessment must be carried out regularly and records must be kept and maintained.

A fire risk assessment must be carried out weekly and staff trained in the event of an emergency.

Balcony rail to be of sufficient height and standard to prevent injury and objects being knocked from, height to satisfy Warwickshire Police Architectural Liaison Officer.

Prevention of public nuisance

The Premises Licence Holder will comply with any reasonable requirements as to noise made during the event by the appropriate Responsible Authority and shall ensure the conduct of patrons leaving premises will be supervised and monitored to minimise potential nuisance. Similarly, conduct of the general public in the vicinity will be monitored and the Police advised of inappropriate behaviour/unlawful activity.

Noise arising from activities within these premises, when measured one metre from the façade of any noise sensitive premises, shall not be such as to constitute a statutory nuisance.

All windows and doors shall be closed (except for access and egress) when any regulated entertainment takes place within the premises. (The main external doors may be excluded from this requirement only if suitable arrangements are included in the sound insulation scheme below by which noise breakout from the premises is avoided.)

No regulated entertainment shall be audible in any residential accommodation within the general structure of the premises of which The Assembly forms part of or any residential premises within adjoining premises.

No regulated entertainment shall take place until a scheme of noise insulation, drawn up by a suitable acoustic expert, has been implemented to the satisfaction of the licensing authority. Following completion, from a suitably qualified acoustic expert, confirming implementation of the approved scheme.

Protection of children from harm

Sufficient staff must be on duty to ensure the protection of children from harm. The Premises Licence Holder shall adopt the Challenge 21 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar serveries. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry to the premises who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.

Children must be accompanied by a responsible adult. No children permitted at the bar serveries.

No one under 18 years of age in the premises after 20:00 hours, without the express permission of the DPS or someone acting under his/her authority.

When the Premises open to the public by payment or otherwise as a disco/night club no persons under 18 years allowed in the premises.

Any identification seized by the venue for being or suspected to being false will be seized under the provisions of the current Home Office guidance and handed to local Police station within 72 hours of seizure.

- 3.4 Between October 2012 and November 2013 the Assembly traded with incorrect last entry times due to an administrative error on the part of the Licensing Authority. The last entry time displayed on the licence was 1am, however this should had been 12.30am. During this time no complaints were received in relation to the premises.
- 3.5 The Licensing Department has received one complaint in relation to the Assembly and none in relation to Zephyr since the premises opened. The complaint was received in November 2013 and was in relation to the premises operating outside their licensable hours. Following this a meeting was held with the Designated Premises Supervisor who explained that a Temporary Event had not been completed correctly causing a misunderstanding on the dates the extension of the licence was applied for.
- 3.6 There are a lower number of Multi Agency reported incidents for these premises compared to premises of a similar size and operation in the Cumulative Impact Zone within the District and Street Marshalls employed by Warwick District Council are required to spend very little time assisting the premises.
- 3.7 Since October 2013 The Assembly has applied for seven Temporary Event Notices to extend their licensable hours to 3am. There have also been 18 Temporary Event Notices applied for by Zephyr since February 2013. These Temporary Event Notices were to extend the licensable hours, all but one until 3am. The Licensing Department have not received any complaints in relation to these events being held.

3.8 Relevant representations have been received from Warwickshire Police, attached as appendix 3 and an interested party attached as appendix 4. There have been no representations received from:

- Fire Authority
- Enforcement Agency for Health and Safety
- Authority Responsible for Environmental Health
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children from Harm
- Warwickshire County Council (Weights & Measures)
- National Health Service/Public Health

3.9 A plan of the premises submitted by the applicant is attached as appendix 5 and a map of the area of the premises is attached as appendix 6.

4. **POLICY FRAMEWORK**

4.1 **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.**

4.2 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 7)
- 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.

4.3 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.

4.4 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 28 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.