

		Licensing Panel 18 December 2013	Agenda Item No.
Title		Application for a review of the premises licence issued under the Licensing Act 2003 for Juice bar, 7 Court 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	4/12/2013	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	4/12/2013	Michael Coker
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **SUMMARY**

Under the provisions of the Licensing Act 2003 a responsible authority may apply for a review of a premises licence if they feel that the licensing objectives are not being met. In this case the Police have made representations and called for a review.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report, and to determine what action, if any action, to take further to the police's representations and the premises licence holder's response to these.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Natalie Beejadur and Amrit Sidhu applied for a premises licence for 7 Court Street in July 2010. A number of representations were received from members of the public within the vicinity and hearing was held on the 7th October 2010. At the hearing the licence was granted subject to an operating schedule submitted by the applicant, which is shown below.

General

Working with the local authority and Police, we will take any necessary steps to promote the licensing objectives. Inductions and any relevant development programmes will be attended, to ensure staff have the correct skills, knowledge and confidence in their roles and responsibilities

Prevention of Crime and Disorder

We will co-operate with the Police and Licensing authority to prevent the risk of any crime and disorder, including membership of locally Police approved Warwick District Pub Watch and to conform to its requirements and licence procedure. DPS to employ professional and responsible SIA registered door supervisors each Friday and Saturday night and DPS to make ongoing professional and responsible risk assessments as to whether to employ SIA registered door supervisors during any time of the week. CCTV to conform to British Standards and UK digital Police CCTV requirements, with live time recording, and to be installed in positions as agreed with the Community Safety/Architectural officers.

Public Safety

Effective management of the premises and working with the correct authorities to assure all possible measures and procedures are implemented. We will support the licensing objectives and promoting the responsible sale of alcohol. Marketing and sales will be undertaken in a responsible manner, with management of responsible promotions and discouraging over consumption of alcohol. Working in conjunction with a local hire firm, vehicles will be available to transport customers to and from the venue: deterring drink driving.

The Prevention of Public Nuisance

Noise should not cause any unreasonable disturbance to the wider public. Air-conditioning units will be installed to prevent unnecessary opening of windows. No open vessels to leave the premises at any time. All outside areas to be clear from 23:00 hours.

The Protection of Children from Harm

The use of experienced door staff and strong verification policies, to prevent the risk of alcohol consumption by under 18's. No persons under the age of 18 to be inside the premises after 19:00 and no persons under the age of 18 to be inside the premises at all when adult entertainment is taking place. Challenge 21 policy to be adopted and enforced.

- 3.2 There were also a number of conditions agreed with responsible authorities which form part of the licence issues and these are shown below.

No persons under the age of 18 shall have access to any publicity on or in the premises relating to entertainment that is racist or obscene or contains nudity and that no such person shall have access to such entertainment.

General

All door supervisors to be SIA registered and badged.

Door supervisors to be on duty every Friday & Saturday from 21:00 hours till close, and on duty on every occasion where erotic dancing/adult entertainment is to take place no later than 30 minutes before the entertainment starts.

At least one door supervisor to be on duty on every occasion where erotic dancing/adult entertainment is taking place, which is an addition to the required door supervisors controlling the entrance/exit.

DPS must make a professional risk assessment at any other time not covered by the conditions when premises are open as to whether to employ door supervisors

CCTV complying with the British Standard BS7958 to be installed and operated with live time recording to cover all areas of the licensed premises excluding toilets. With all recordings to be preserved for 31 days commencing from the time of such recordings.

If booths are used, all will be fitted with panic buttons for the protection of performers

No off sales shall take place after 23:00 hours.

Membership of Pubwatch and Retail Radio, conforming with both policies.

Prevention of Public Nuisance

Responsible management at all times.

Zero tolerance to drunken or anti-social behaviour.

Regular visits to all parts of the premises.

Management and staff voluntarily follow best practice, e.g. control of noise from pubs and clubs. Staff trained to ensure quiet departure of patrons.

Out of hours deliveries to be monitored.

All windows and doors kept closed after 23:00 except for access and egress when regulated entertainment is provided.

Noise levels arising from regulated entertainment shall not be intrusive when measured one metre away from the facade of noise sensitive premises and shall not be audible within adjoining or other residential premises within the area.

The protection of children from harm.

Provision of sufficient staff to protect children from harm, with training on appropriate behaviour.

No material to be displayed externally and visible to the general public of an adult nature.

No adult entertainment to be visible from outside the premises.

- 3.3 The above conditions are not currently displayed on the premises licence. In April 2012 the premises were granted a Sexual Entertainment Venue (SEV) licence and the previous Licensing Services Manager removed a number of the

above conditions to add them to the SEV licence. When the SEV licence was surrendered in April 2013 these were not transferred back, however all the above conditions are applicable to the current premises licence.

- 3.4 On 16 April 2013 the licence was transferred to Mr Makhan Singh Kandola and was transferred again on the 16th September 2013, to the current licence holders DFK Leisure.
- 3.5 The current operating hours of the premises are attached as appendix 1.
- 3.6 On 5 November 2013 Warwick District Council Licensing Authority received an application for a review of the premises licence from Warwickshire Police. The application was made under the licensing objectives of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. A copy of the application form is attached as appendix 2. There have been no other representations received.
- 3.7 Warwickshire Police submitted further evidence which was collected and signed for by DFK Leisure's solicitor on 19 November 2013. Due to the sensitive nature of the documents these have not been included in the report but will be circulated to Members with the agenda. CCTV footage submitted by Warwickshire Police has also been made available for viewing by DFK Leisure will be shown at the Review hearing.
- 3.8 This application has been advertised at the Council offices and on the premises in accordance with the requirements under the Licensing Act 2003.
- 3.9 A map of the area of the premises is attached as appendix 3.
- 3.10 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 4)
 - 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.

- 3.11 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.
- 3.12 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