

Emma Dudgeon

From:
Sent: 20 April 2016 06:19
To: Licensing

Dear Warwick Licensing committee,

I'm writing about the alcohol license application submitted by Bread and Butter ltd. There's potential for public nuisance if that were to go ahead. I live nearby, and don't want any more alcohol being served at night than we already have around here. It's not going to help with the levels of crime and disorder, and could even make them worse over time.

For the people who live even closer to Bread and Butter the levels of public nuisance would be unbearable. It's not appropriate to grant an alcohol license right next to where people live at least the existing alcohol licensed premises are several doors away (at least) from the residential premises.

I recommend this application be rejected.

[Dale Street](#)

[Royal Leamington Spa](#)
[Warwickshire](#)
[CV32](#)

Sent from my iPhone

Emma Dudgeon

From:
Sent: 18 April 2016 10:37
To: Licensing
Subject: Objection against application for alcohol license at Bread & Butter Leamington

To whom this may concern,

I object to the application for alcohol license at Bread & Butter Leamington, on the grounds of public nuisance.

A number of residential premises are situated around this cafe, front and rear (where the garden is), and the noise would constitute a clear public nuisance to these residents.

The licensing panel need to ask themselves: "would I be prepared to endure nightly public nuisance in my own home?" If the answer is no then clearly the proposal should be rejected.

Clarendon Square
Leamington Spa
CV32

Emma Dudgeon

From:
Sent: 21 April 2016 08:09
To: Licensing
Subject:

Dear Warwick District Council,

I live quite near to Bread & Butter cafe and am against the proposed alcohol license mainly because of the **Public Nuisance** it is likely to bring about.

If there were nothing but businesses on that part of Regent Street there then it wouldn't be a problem, but of course there are many residential homes surrounding this cafe. The noise generated by people who are drinking and socialising can be very considerable indeed and so this would mean a great deal of nuisance.

People living in the centre, such as myself, would worry if you grant this, that they might be next to get a noisy pub/bar/restaurant spring up close by. If you look at the other licensed premises around here: Bedford Street, Voodoo etc, none of them have residential homes close enough by to be significantly affected by public nuisance. There is a HUGE difference between 20 yards and 2 yards.

Also, more licensed premises could attract further crime and disorder to the centre of Leamington.

Thanks,

Dale Street
Leamington Spa,
CV32

John Street
Leamington Spa
Warwickshire
CV32

Warwick District Council
Licensing
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

14-Apr-16

Dear licensing committee,

This letter is regarding the application submitted by Bread & Butter, 53 Regent Street, for an alcohol license. I live at John Street, which is directly next door to 53 Regent Street (access to property is on different street hence the different address). I object to the proposal on the grounds of public nuisance and prevention of potential crime and disorder.

First and foremost, I would like to stress that I object to an alcohol license being granted in any form. It is my belief that the neighbourhood would be worse off if this license were granted. It would cause nightly noise disturbance from customers drinking alcohol out in the garden area (which is only a couple of meters away from my front door), causing a public nuisance to all local residents. It would also cause an increase in the number of noisy people congregating and talking/shouting loudly at closing time directly beneath my bedroom window on Regent Street, which is directly next door to Bread and Butter). There could be more disorderly behaviour from especially drunk customers too. I also believe it would make me feel less safe and at-ease leaving and entering my home if alcohol was being consumed by strangers a few yards from my front door/patio. Noise from within the building would create more public nuisance, coming through my bedroom wall which is next to Bread and Butter.

After hearing from other residences in the immediate vicinity of this flat (and so of Bread and Butter), there is a strong opposition against the granting of this license, in fact it's 100% from what I've seen. I believe this high percentage of residents who oppose the proposed license to be significant. Even some businesses are against it, at best some are neutral.

For the preservation of the neighbourhood's environment, and in the interest of upholding the licensing objectives, I urge you to reject the application for this alcohol license.

Thank you for listening.

Yours sincerely,

Lower Ladyes Hills
Kenilworth
Warwickshire
CV8

Warwick District Council
Licensing Department
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

15.04.2016

FAO: Licensing team,

I wish to object to the licensing application submitted by Bread and Butter Café in Leamington, on the grounds of **public nuisance**. I would like the application to be refused outright since licensed activity in this location is totally incompatible with licensing objectives.

I divide my time between my house in Kenilworth and my partner's home at John Street, Leamington, which is immediately next door to the proposed licensed premises; therefore I am entitled to object to this as a part-time resident.

Our bedroom is at the rear of the property, just a few metres away from the café's rear garden. There is already noise annoyance during the day when the café is open, which we tolerated, but the thought of this becoming the norm every night, with alcohol being served until 10pm and customers remaining there until 11pm is unbearable. It would represent an irrefutable source of public nuisance to us and the many other residents who are long-established in this relatively quiet and peaceful corner of this block of buildings. There is no doubt that this would cause a huge noise nuisance, loss of privacy and severely reduce our ability to have quiet enjoyment of the premises.

Our outdoor area would be even worse affected, being no more than a couple of metres away from the premises' outdoor area. This area would become a late night smoking area, with noise and loss of privacy from inebriated patrons, as well as the negative passive smoking effects on our health.

Finally, our bedroom shares a wall with the café's upper rooms, so we could not accept any commercial activity or alcohol consumption being undertaken here, due to the obvious public nuisance caused by the inevitable noise that would be transmitted through the walls of these old and speculatively built terraced houses that were not designed to be used as licensed premises.

More alcohol consumption in the neighbourhood risks increasing **crime and disorderly behaviour** on and around Regent Street and John Street. When we decide to start a family, the baby would require the rear bedroom's current peace and quiet in order to sleep due to noise at the front on Regent Street, so this application has the potential to clash with the **protection of harm to children** licensing objective too.

Yours faithfully,

Regent Street
Leamington Spa
CV32

Warwick District Council
Licensing
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

9 April 2016

Dear Warwick Council,

This is about the licencing application at Bread & Butter on Regent Street. I object strongly to granting of alcohol licence, and I object strongly also to granting of extension of opening hours, on the grounds of public nuisance, as well as the potential for crime and disorder.

This will cause noise nuisance for me in my home. The garden of Bread and Butter will create evening noise that will be heard at the rear of my home, and the increase in drunken people out on the street below will cause additional nuisance at the front, there will be no escape. At least at the moment I can have much-needed peace and quiet at the rear of my flat, but if this application was allowed I wouldn't be able to have evening peace anywhere. Also this premises is only 2 properties away from my flat so any music played inside or loud noise from customers could be heard inside my home through the walls.

Also I could experience unpleasant urination by strangers on my doorstep which is close to this business, from experience I know that this can happen when people are drinking, and I would have to clean it up. Also, there could be more fights and drunk and disorderly behaviour, and possibly broken windows in the street.

This part of the block is a residential area, only quiet day-time businesses can be allowed to be here because of all the flats. The quality of life and safety of residents must come first, we were here long before this business opened. There are plenty of places elsewhere in the town for people to buy drinks, it doesn't need to be here also.

The arguments against this application are too many for it to be granted, it wouldn't be fair on those of us who live nearby.

Yours sincerely.

York Road
Leamington Spa
CV31

Warwick District Council
Licensing Department
Riverside House
Milverton Hill
Royal Leamington Spa
Warwickshire
CV32 5HZ

08/04/2016

Dear Warwick Licensing department,

I work as a shopkeeper at _____ which is on the corner of Regent Street and Bedford Street, _____ Bedford Street, Leamington, CV32 _____. I.

I want to object to the application for a license to serve alcohol every night of the week at Bread and Butter in Leamington Spa (Regent Street), for prevention of **public nuisance**, and also **prevention of crime and disorder**.

Over time, this license could bring more antisocial behaviour to this area. It may well start off trying to be a 'nice restaurant', but given the location next to the kebab shop, there is a risk it will gradually turn into a rough bar. I had the police here recently to look at my CCTV from a fight outside in the street of drunk men. This sort of thing could happen more often if they get an alcohol license here. If they are granted this they will keep pushing to get later and later license. That doesn't belong on this part of Regent Street. There would be noise from their music and customers also.

This part of the street is a peaceful row of businesses, and no one I've spoken to wants more licensed premises here, it is already rowdy enough as it is, over time licensed premises can bring smashed windows and urination on shopfronts of nearby daytime businesses.

As well as the businesses here there are several residents who live very close to the Bread and Butter so it is not fair for them to have noise at night time. The public nuisance caused to the people whose bedrooms are on the backs of the buildings would be very great public nuisance I feel.

Emma Dudgeon

From:
Sent: 19 April 2016 22:29
To: Licensing
Subject: Objection to alcohol license at 53 Regent Street, Leamington Spa.

Dear Sir/Madam,

I am writing with regards to the application submitted by Bread & Butter at 53 Regent Street for an alcohol license Monday-[Sunday 12:00-22:00](#). I object to the granting of this license predominantly on the grounds of the **public nuisance** it will cause to the neighbouring houses. Prior to the discussion surrounding the license I would strongly advise a visit to the properties due to the unusual layout.

I spend part of the time at John Street (located *immediately* next door to Bread & Butter) to stay with my partner who lives there. I use this address as a base so as to halve my commute time to work. I work with patients and have to get up around [6am](#). Therefore I need to be asleep by [10pm](#) to get a decent night's sleep that will not affect my ability to concentrate and ultimately affect my care for patients.

The bedrooms of John Street share walls with Bread & Butter and the noise of guests next door would come through the walls. This was observed when the property was undergoing renovation over the past couple of months. The noise would be even worse were the alcohol license granted due to the effect of alcohol on behaviour. I would also strongly recommend a discussion regarding the need to install soundproofing because of the disruption that occurred during building work.

If the license is granted the noise from both diners and the cleaning up of the premises, which would have to take place after the [22:00](#) closing time, would be transmitted into the bedrooms of John Street, potentially past 23:00.

Furthermore, tobacco smoke from smokers in the garden of Bread & Butter would also be a source of nuisance and even **public safety** hazard due to the proximity of John Street's outdoor space to the applicant premises' garden/smoking area. There is a positive correlation between smoking and drinking, thus resulting in a potential loss of the use of the rear garden (adjacent to Bread and Butter's garden) due to the effects of passive smoking.

I recommend that the people deciding the verdict of this application visit the 2 properties as there is an unusual layout split over 3 levels, prior to making a decision.

Please do not hesitate to contact me if needed.

Yours sincerely,

John Street
Leamington Spa
CV32

Warwick District Council
Licensing
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

12th of April 2016

Dear Licensing Department,

I am writing about the application submitted by Bread & Butter at 53 Regent Street for an alcohol license until 10pm weekly.

I object to the granting of this license in the strongest possible terms, predominantly on the grounds of the immense **public nuisance** it will cause. I call on the committee to reject the license proposal entirely.

Public Nuisance (Noise, invasion of privacy, smoke)

Several residential premises are located in the immediate vicinity of Bread & Butter. My home is located *immediately* next door to the premises (it has a John Street address rather than a Regent Street address because it is accessed from the rear, not the front.)

The serving of alcohol next door would be unacceptable at any time of day. It changes the character of this part of the block for the worse; it would mean nightly noise disturbance from inebriated customers in the garden at the rear of the property throughout the Spring/Summer months. My bedroom/study is situated at the rear of the property, and so the noise generated in the garden would be a constant public nuisance, and would restrict my ability to have the quiet enjoyment of my premises enshrined in law. Therefore, specifically, use of the rear garden for the purpose of serving alcohol would be unacceptable at any time of day.

Although the application is for 10pm alcohol serving, the premises is entitled to operate until 11pm, meaning nightly nuisance until 11pm, or later in practice if (as is widespread) customers overstay the closing time. I am currently training as a doctor at the hospital in Coventry where I can sometimes be required to do night shifts. This means I don't always sleep during conventional 11pm-7am hours, and need to rely on the relative peace and quiet that exists at the rear of my home in order to get much-needed rest, and to study for essential examinations.

Additionally, my bedroom shares a party wall with the applicant's premises upstairs room, so, specifically, the presence of customers affected by alcohol would not be appropriate or acceptable at any time of day on the upper floor/s.

An alcohol license gives the license holder the right to play music on the premises. Having music come through the walls would be an unbearable public nuisance to John Street residents, and is another reason why an alcohol license is inappropriate in this residential area. Specifically, the playing of music would not be appropriate or acceptable on the upper floors, or on the lower floor if audible to neighbours.

By way of evidence to support my objection on the grounds of public nuisance (noise), I can confirm that the existing café operation (when open) has caused frequent noise disruption nuisance in the rear garden during the day, especially at weekends. This nuisance is experienced at the rear of the property in the main bedroom. It is self-evident that inebriated customers would generate even more noise. Thus it is demonstrated that the granting of this license would lead to public nuisance. In the interests of being tolerant and business-friendly, I accept the *status quo* of daytime noise **without alcohol service**, but anything more than that would stray over the line dividing 'minor irritation' from 'public nuisance'.

Other licensed premises nearby in the centre of Leamington do not have residential properties situated as close to them as the ones here are to Bread and Butter.

In addition to noise, there would be a public nuisance in the form of loss of privacy. The applicant's rear garden looks directly into my bedroom/study, meaning I currently have to keep curtains closed during the day if in there. The applicant's upstairs rooms look out over my private outdoor area, which would restrict my ability to enjoy the use of my property during opening hours. Tobacco smoke could also be a source of nuisance due to the proximity of my outdoor space to the applicant premises' garden/smoking area.

Public Safety

Since the smoking ban, outdoor areas have become the "smoking area". Having my own outdoor area immediately adjacent to the applicant's garden smoking area could pose a passive-smoking hazard to health of myself and other guest members of the public using my outdoor area, caused by the cumulative effect of breathing second-hand smoke drifting over. Also, tiredness caused by disrupted sleep due to the noise problems mentioned above could be dangerous by causing me to fall asleep at the wheel.

Prevention of Crime and Disorder

Although the current application does not enable the applicant to operate the premises as a bar, if this license is granted there is the possibility that future operators may try to do so, either by attempting to extend the license legally, or by simply bending the rules, as has frequently occurred in the local area, for example on Augusta Place CV32, where unlicensed activities continued for three months, causing local residents considerable public nuisance. This would lead to more drunk and disorderly behaviour immediately outside homes on Regent Street. Even operating within the parameters of the application currently being considered, and despite the license-holder's best

intentions, there is scope for some increased drunkenness and disorderly behaviour on the streets, such as brawling or criminal damage.

Protection of Children from harm

As of the current date, the application would not pose any significant risk to children. However, at the age of 33, I may be considering having a child in the foreseeable future. Since the front (Regent Street side) of the property is already noisy, it would be essential for the peace and quiet at the rear of the property to be preserved to ensure a quiet place for an infant to sleep.

As further point, I note that the café as it stands has not opened to customers once since early December. Thus it is possible that this application is being made only to increase the value of the premises prior to sale, at the expense of local residents' quality of life, as opposed to representing a bona-fide business motive.

Every single local resident I have spoken to opposes this application, not a single one is in favour, that is a unanimous 100% verdict from the local community.

In summary, I believe that the rights of local residents to have quiet enjoyment of their homes would be eroded by the granting of this license, which would cause a great deal of public nuisance, as well as some potential for crime and disorder, danger to public health, and disruption to the wellbeing of any future child residents. I call upon the committee to reject the application on these grounds.

Please do not hesitate to contact me for any clarifications.

Yours sincerely,

Emma Dudgeon

From:
Sent: 21 April 2016 22:54
To: Licensing
Subject:

Hello,

I object to the Bread and Butter alcohol license due to the **Public Nuisance** it will cause, with potential for **crime and disorder**. I live very nearby but I also know that there are numerous residential premises in the immediate vicinity of the Bread and Butter café. These people deserve to have peace and quiet in the evenings, the rights of established residents surely trump those of speculative commercial property owners.

Ultimately there's no way that I or anyone else, would be able to tolerate having licensed activities going on in a courtyard metres from their bedroom window in the evening and after bed time, or worse still 50cm away through a thin wall. If that is not the definition of nuisance then nothing is.

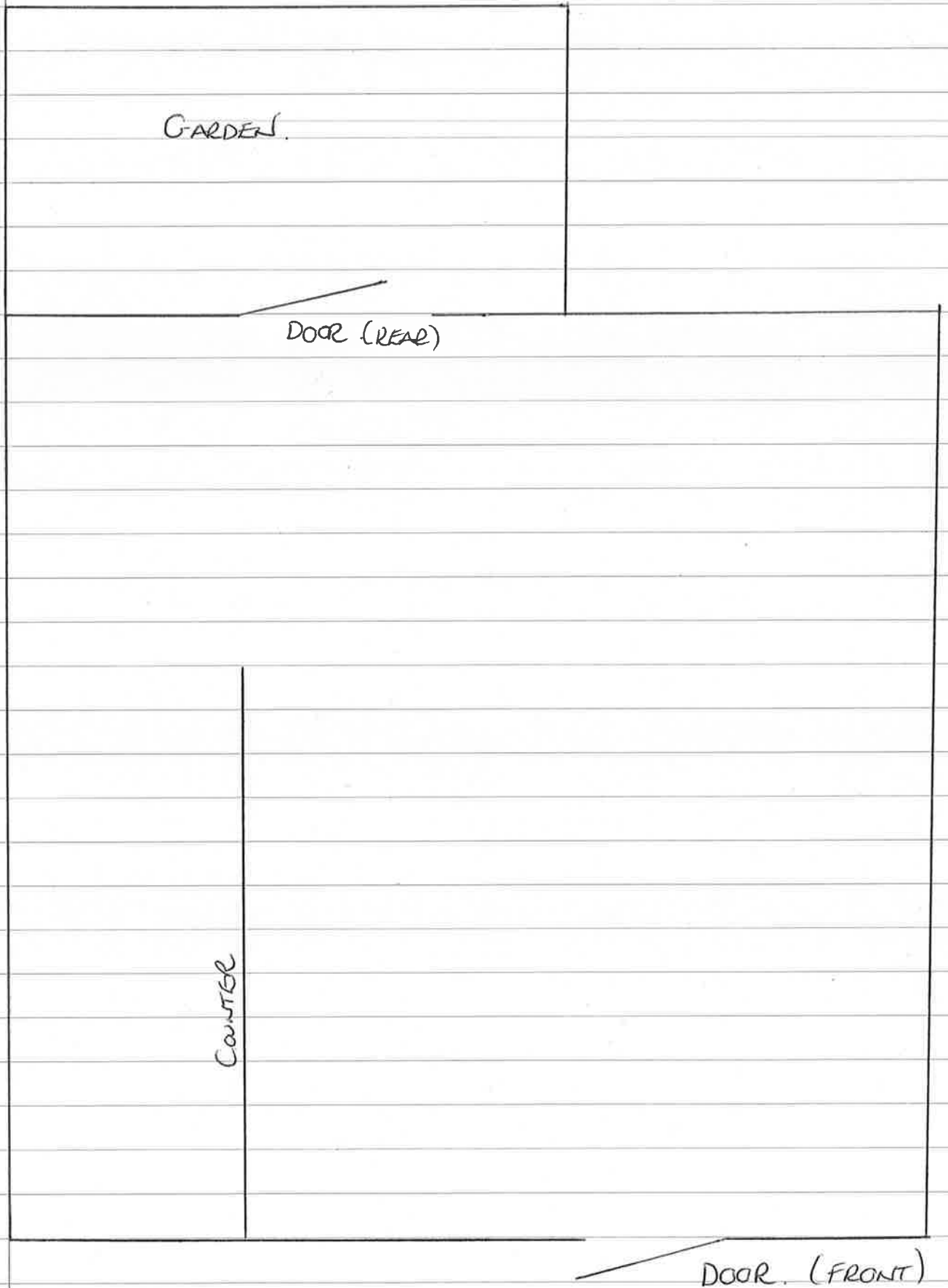
More generally, we don't want yet more licensed premises in this area as it could lead to further crime and disorder in the streets where we live.

Regards,

Dale Street
Leamington Spa
CV32

BREAD AND BUTTER GROUND FLOOR PLAN,
ILLUSTRATING LICENSED AREA.

Appendix 11









STATEMENT OF LICENSING POLICY

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

Table of Contents

Front Cover	1
Table of Contents	2
Summary and Purpose	3
Licensing Policy & South Warwickshire Community Safety Partnership.....	4
Delegation of Functions for Regulatory Matters	4
Further Strategies.....	5
The Four Licensing Objectives	5
Other Considerations	8
Other Regulatory Regimes	9
Standard Conditions.....	10
Special Policy regarding Cumulative Impact	10
Responsible Authorities.....	11
Early Morning Restriction Orders and Late Night Levy.....	12
Restricted Drinking Zone.....	12
Further Information.....	12
Appendix 2 – Map of Cumulative Impact Zone.....	14
Appendix 3 – Responsible Authorities	15

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 Leamington 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 www.leamingtonspa.streetpastors.org.uk

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 Enforcement Policy which incorporates the Regulator's Compliance Code 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 Leamington 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 be 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.

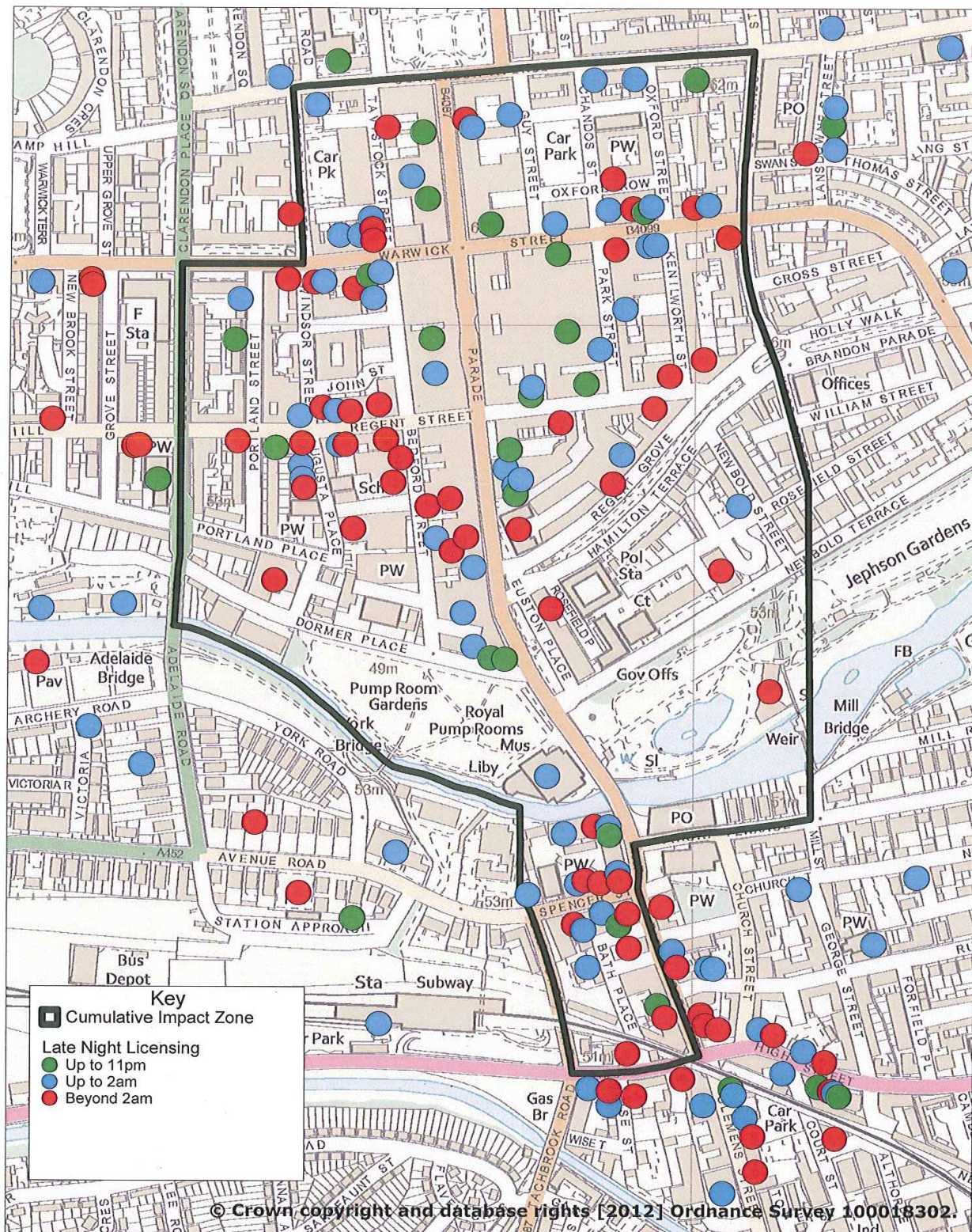
13 Restricted Drinking Zone

- 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 not 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 1 – Cumulative Impact Zone (current for 2013)



Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410



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: Liquor.Licensing@warwickshire.pnn.police.uk

FIRE AUTHORITY:

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

Tel: 01926 423231

E.Mail: firesafety@warwickshire.gov.uk

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: ehsafety@warwickdc.gov.uk

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: ehpollution@warwickdc.gov.uk

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: gary.fisher@warwickdc.gov.uk

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: sslicensingapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

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

Tel: 01926 414040
Email: simoncoupe@warwickshire.gov.uk

PUBLIC HEALTH ENGLAND:

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

Email:
PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk