		<b>Licensing Panel</b> <b>9<sup>th</sup> May 2012</b>	<b>Agenda Item No.</b> <b>4</b>
<b>Title</b>		Application for a review <i>and</i> a variation of the premises licence issued under the Licensing Act 2003 for Saint Bar, Warwick Street, Leamington Spa	
<b>For further information about this report please contact</b>		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. <a href="mailto:david.davies@warwickdc.gov.uk">david.davies@warwickdc.gov.uk</a>	
<b>Service Area</b>		Community Protection	
<b>Wards of the District directly affected</b>		None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>		No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		N/A	
<b>Background Papers</b>		None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	16/04/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	16/04/2012	Councillor Coker
<b>Consultation Undertaken</b>		
N/A		
<b>Final Decision?</b>		Yes

## 1. **SUMMARY**

- 1.1 Under the provisions of the Licensing Act 2003 a Responsible Authority may apply for a review of a premises licence if they feel that one or more of the licensing objectives are being undermined.

The holder of a premises licence issued under the Licensing Act 2003 may apply for a variation of that licence

## 2. **RECOMMENDATION**

- 2.1 Members are asked to consider all the relevant information contained in this report and consider the evidence provided by Warwickshire Police in their request for a review of a premises licence and, at the same time, consider a variation application for the same premises by the premises licence holder.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the provisions of the Licensing Act 2003 a premises that sells alcohol and provides regulated entertainment and late night refreshment requires a premises licence.
- 3.2 In September 2005 the premises applied for a conversion and variation of the existing justices and entertainment licences in the name of Mackys Restaurant and Bar. There were representations made to the application and Licensing Panel hearing was held on 29th September 2005. The premises licence was granted, with conditions.
- 3.3 In May 2007 the premises was transferred to the current premises licence holder and Designated Premises Supervisor, Ulief Coppor Burton and its name changed to Saint Bar.
- 3.4 An application for a review of the premises licence was made by Warwick District Council Environmental Health under the prevention of public nuisance objective on 30th September 2008. One more representation was received from Mr M Gociek as an interested party. The hearing was delayed whilst work was completed on the premises.
- 3.5 The premises licence holder, Mr Burton, made changes to the soundproofing of the premises and repositioned speakers, and, as a consequence, at a hearing on the 5<sup>th</sup> March 2012, no action was taken by the Licensing Panel against the premises.
- 3.6 The current premises licence permits:

### **Sale of alcohol for consumption on the premises**

*Monday to Wednesday from 10:00 to 01:00  
Thursday to Saturday from 10:00 to 02:00  
Sunday from 10:00 to 00:00*

### **Sale of alcohol for consumption off the premises**

*Seven days a week from 10:00 to 23:00*

**Live Music; Recorded Music; Other Activities of a similar description to that of live music or recorded music; Performance of Dance; Provision of facilities for making music; Provision of facilities for dancing (All Indoors only)**

*Monday to Wednesday from 10:00 to 01:00  
Thursday to Saturday from 10:00 to 02:00  
Sunday from 10:00 to 00:00*

**Late night refreshment**

*Monday to Wednesday from 23:00 to 01:00  
Thursday to Saturday from 23:00 to 02:00  
Sunday from 23:00 to 00:00*

**The opening hours of the premises**

*Monday to Wednesday from 10:00 to 01:00  
Thursday to Saturday from 10:00 to 02:00  
Sunday from 10:00 to 00:00*

**3.7 The operating schedule and conditions attached to the current licence are:**

*General*

All of the staff now take the mock examination for the National Certificate for Personal Licence Holders within one month of commencing. The results are recorded in their training records.

*Prevention of Crime and Disorder*

"SSSHHHH" campaign launched to discourage anti-social behaviour from patrons leaving the bar.

*The Prevention of Public Nuisance*

"SSSHHHH" campaign launched to discourage anti-social behaviour from patrons leaving the bar.

*The Protection of Children from Harm*

Challenge 21 in use. Challenge 25 to be introduced in latter part of 2011.

**Conditions:**

1. All door staff to be SIA registered and badged and to be employed at the premises on Friday and Saturday evening from 21:00 until the premises is closed and all customers have vacated the premises.
2. The Designated Premises Supervisor (DPS) is to make a full and documented risk assessment on the necessity to employ SIA doorstaff on days other than shown in (1) above.
3. All windows and doors shall be kept closed from 23:00 except to allow entry and egress from the premises.
4. No off sales shall be permitted after 23:00.

5. The basement garden area shall be vacated by 23:00.
6. No open vessels shall be removed from the premises at any time.
7. No persons under the age of 18 shall be permitted on the premises after 21:00 hours.
8. CCTV to be installed to current British Standards BS7958. The cameras shall cover all public areas and have no blind spots and include head and facial recognition. The cameras image must be digitally recorded at 25 frames per second but, as a minimum, 12 frames per second and the recording kept for a minimum of 31 days. At least one member of staff must be on duty at all times when the premises is open who is able to operate the CCTV system and download images upon request by any authorised officer.
9. The premises must be a member of the Warwickshire Police approved PubWatch Scheme and must conform to its policies and procedures.
10. The premises must be a member of the Warwick District approved radio scheme, ensure the equipment is in working order, switched on when the premises is open and earpieces worn where appropriate. All staff must be trained in their use.
11. Live and recorded music shall not be intrusive at the nearest elevation of any neighbouring residential properties, nor within the properties themselves.
12. The premises shall adopt the Challenge 21 policy and display Challenge 21 posters.
13. The maximum safe occupancy is 200.
14. The doorstaff shall use a clicker to ensure that overcrowding does not occur.

### 3.8 Review application

Warwickshire Police submitted an application for a review of the premises licence for Saint Bar on the 26<sup>th</sup> March 2012. A copy of the application is shown as **Appendix 1**. A more detailed file has been submitted by Warwickshire Police which has been served on the Saint Bar. The nature and size of the file has necessitated it being kept separate from this report, but it will be circulated to all Panel Members and to the legal officer in advance of the hearing at the same time as the agenda.

- 3.9 The Licensing Act 2003, Section 52 (4) outlines the steps at a review that may be taken by the Licensing Authority if it considers them necessary for the promotion of the licensing objectives. These are:

- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the DPS
- Suspend the licence for a period not exceeding three months
- Revoke the licence

- 3.10 A representation has been received from Commercial Property Consultants, made on behalf of the residents of the Glass House Apartments. This is shown as **Appendix 1A**

### 3.10 Variation application

- 3.11 Ulief Coppor Burton submitted an application on 23<sup>rd</sup> March 2012 to vary the premises licence for the Saint Bar to remove a wall within the premises and extend the area for licensable activities to take place. A plan of the area extended is attached as **Appendix 2**.

- 3.12 Officers are aware that the wall was removed some time ago and that the premises licence holder has been approached on several occasions by officers from both Warwickshire Police and from Warwick District Council reminding him that a variation to their premises licence was required. The variation application is shown as **Appendix 3**
- 3.13 As Warwickshire Police's review application requests the rebuilding of the wall, and both applications were received within days of each other, officer's feel that the most sensible way forward is to deal with both applications at the same time.
- 3.14 A plan showing the location of the premises is attached as **Appendix 4**.
- 3.15 When considering the application the panel must give appropriate weight to:-
- a) The review and variation applications 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 (**Appendix 5**).
  - d) The Licensing Objectives, which, in this case are:-

**For the review:**

- The prevention of Crime and Disorder
- The Prevention of Public Nuisance.

**For the variation:**

- The prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

- 3.16 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and review 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.
- 3.17 Details of the procedure adopted by the Licensing Committee for Panel Hearings has 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. ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

6.1 None

7. **BACKGROUND**

7.1 None.

APP 1

WDC

Ked

26/3/2012

**Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all  
cases ensure that your answers are inside the boxes and written in black ink. Use  
additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I PS 645 Calver

(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing  
Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Saint Bar Warwick Street Leamington Spa	
<b>Post town</b> Leamington Spa	<b>Post code (if known)</b> CV32 5JS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Ulief Coppor Burton
--

<b>Number of premises licence or club premises certificate (if known)</b> WDCPREM00396
---

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the  
premises ☐

2) a responsible authority (please complete (C) below)



4/7

3) a member of the club to which this application relates (please complete (A) below) ☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr ☐

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

### First names

**Please tick yes**

**I am 18 years old or over**

**Current postal  
address if  
different from  
premises  
address**

## Post town

**Post Code**

Daytime contact telephone number

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PS 645 Calver Warwickshire Justice Centre Nebold Terrace Leamington Spa Warwickshire
Telephone number (if any) 01926 684166
E-mail address (optional) paul.calver@warwickshire.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review** (please read guidance note 1)

On behalf of Chief officer of Warwickshire Police, we submit this licensing review under Section 51 of the 2003 Licensing Act. We submit this on the grounds of the following licensing objectives:-

Prevention of Crime and Disorder

We seek the following as part of this review:-

1. Suspension of license for 1 month to ensure below is completed
2. Removal of DPS
3. Personal license holder on premise at all times after 6pm at night
4. Conditions to be added:-
  - Door Supervisors to be employed on pre-arranged student night
  - On all occasions when door staff required there to be a minimum of 2 on duty but to be increased to a ratio of 1 plus 1:75 patrons
5. Extra CCTV to be installed on stairway leading down to venue, and any other areas deemed appropriate on full inspection of the Police Architectural Liaison officer
6. Area converted to increase capacity to be withdrawn
7. All licensable activity permitted hours to be reduced by 1 hour on everyday of the week except Sunday
8. ID Scanning system to be installed and used
9. SIA ACS Accredited Door Security company to be employed at venue

Warwickshire Police are bringing this review not only due the history of incidents at the premise, but also due to the lack of management responsibility, number of breaches of license and conditions, the lack of willingness of the owners and DPS to rectify issues swiftly and the lack of willingness to work with local authorities to rectify

issues.

Between January 2011 and March 2012 there have been 15 occurrences with regards to Saint Bar, where one or more of the responsible authorities have been in contact with the venue for various reasons, but all revolving around the management of the premise or on the majority of occasions due to breaches of the license.

During this time, the premise has had a section 19 closure notice on it in 2011, it has almost had a second notice issued in 2012. There have been issues with CCTV systems not working which resulted in loss of evidence, but also the system in place does not record in crucial areas which have lead to allegations against door staff for assaults which cannot be determined in some cases as true or false accounts.

During the same period there have been several complaints of noise from the premise at varying times of the night, some after the hours of the licensable hours on the license.

The premise has also in recent months changed the layout by knocking down internal walls, thus increasing the capacity of the venue, and as such would require a variation application to conform to it license, after many request for such, no variation has been submitted, as such based on information in this review any application would be objected to.

There is clear evidence within this review of management/ owners having no understanding or respect for the hours and conditions on thier license and or the licensing act, and have blatantly ignored any contact from authorities to rectify issues until the point of potential closure notices. In contrast there is clear evidence of responsible authorities and the licensing authority trying to work with the premise as per the spirit of the licensing act, but this advice has not been adhered to.

From the similar size premises comparative data supplied in this report it can be seen on rough research of police STORM data that when compared to a premise that is in a similar location that has double the capacity of Saint bar there are 32% less incidents recorded against the larger premise (Prem No1), when compared to a similar size premise in the same location, that premise has 88% less incidents recorded against it (Prem No 2). Whilst it is accepted that this is rough data, and a small proportion can be assigned to geographical location, this can be said for all three premises that are compared so the percentage difference will remain almost the same.

During the same period (Jan 2011- Mar 2012) when police incidents are researched 14 assaults on persons are recorded, varying from Assaults where the victims refused to make complaints through to Sect 20 Grievous Bodily Harm assaults. These assaults have occured inside and outside the venue, and some include allegations against door staff. There have been 12 disorder type incidents recorded, which again have taken place inside or outside the premise, with several as a result of persons being ejected or refused entry and causing a disturbance with door staff. There have also been 7 thefts reported from persons inside the venue.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Supporting Documents are contained and listed in the below sections :-

1. Multi Agency Correspondence
2. Licensing data
3. Police Incident reports
4. Comparison graphs
5. Crime Reports
6. Unused unrelated Police Incidents

We ask for the conditions highlighted above because

1. Suspension Of License for one month

To allow premise to carry out remedial action as highlighted through report, to also ensure staff training carried out to a satisfactory standard

2. Removal Of DPS

As it quite clear in evidence there is no management in place at the venue that ensures the premise license is adhered to, and also there is no apparent will with current DPS to work with authorities to ensure a safe running venue, and reduce crime and disorder and public nuisance.

3. Personal License Holder on premise at all times after 6pm

To ensure there is a qualified member of staff available at all peak times to ensure compliance with license and knowledge of license and licensing act

4. Door Supervisors

To ensure on busy nights that currently do not require door supervisors, have the required cover to control the entry / egress of the venue and to ensure safety whilst inside venue. The numbers of door supervisors need to be stipulated due to the layout of the venue and the requirement for a presence on the door at all times, but also sufficient numbers to allow safety and incident management within the venue. The ratio being 1 plus 1:75 patrons, which would require when venue full to capacity of 200 persons a minimum of 4 door supervisors on duty.

5. CCTV

Due to the layout of the venue, a crucial area on the stairs from the front door are not covered by CCTV, as this is an area of previous allegations particularly against door supervisors, this needs to be covered for staff safety, public safety and the detection or rebuttal of crime allegations. The system also needs to be thoroughly checked to ensure compliance to current UK standards and to ensure sufficient coverage elsewhere in the venue.

6. Withdrawal Of Additional Converted Area

Due to internal restructure the total area of the venue has increased in capacity by removal of walls etc, this does not comply with current license and no variation has been submitted (at this time) for this increase capacity or change of planned layout. Any such variation would be objected to by police, and as such remedial work required to return the layout to original state.

#### 7. All licensable hours to be reduced by 1 hour

This is requested for all licensable activity and opening hours across the board (except Sunday), irrespective of what current allocated hours are for individual activity, including any sale of alcohol and entertainment. This is requested due to the apparent breaches in hours previously, and also due to the times of the incidents that have occurred in and outside the venue, which a high percentage of are near to the terminal hour.

#### 8. IDScanning System

System to be installed at the premise that checks and verifies the ages of persons producing ID, to ensure they are not fake and in the correct hands. Such systems also record a client base, which can on request produce witness / offender lists for police following on from incidents. Systems to install are not a huge financial implication to business, on average starting at about £45 per week (depending on financial accounts of business applying).

#### 9. ACS Approved Door Company

Due to incidents of allegations against door supervisors, disturbances at the venue with persons who have been removed or refused, to ensure safety at the venue and reduce the conflict at the door, an SIA Approved Contractor Scheme (ACS) door company to be put in place. Such companies have gone through more rigorous scrutiny with the SIA to be allocated this status and as such are seen as professional and responsible operators with well trained staff employed.



Please tick yes

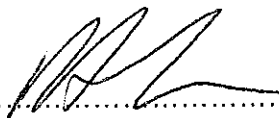
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

 PS GUS

Date

26/10/12

Capacity

POLICE SAs LEAMINGTON

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

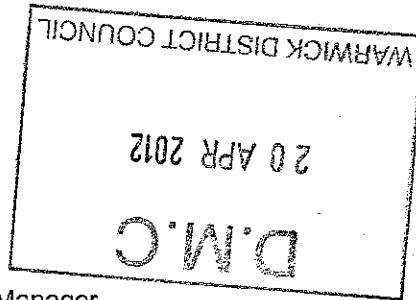
**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APP 1A

SJF.AHS.GLASSHOUSE

19<sup>th</sup> April 2012



Mr D Davies – Licence Services Manager  
Licencing Department  
Warwick District Council  
Riverside House  
Milverton Hill  
Leamington Spa  
CV32 5HZ

Dear Sir

**Re: The Saint Bar, Warwick Street, Leamington Spa – Licence Review**

We have been approached by residents in the Glass House apartments in respect of the licence review of the Saint Bar which is currently being undertaken by the Police Authority.

The residents have instructed us in our capacity as Managing Agents of this property to submit this formal representation on their behalf in respect of the anti-social behaviour of both the Saint Bar owners and their patrons.

The Glass House block of apartments is situated on the corner of Warwick and Windsor Street, adjacent to the Saint Bar.

Residents of the Glass house have been disturbed by ongoing noise nuisance created by loud music resonating through the walls of the building very late at night since the Saint Bar took over the lease. We are advised that one resident had reason to call out the Noise Abatement Team on no fewer than eighty (80) separate occasions where noise levels were evidenced to be above the permitted level. Other residents also had cause to call out and lodge complaints with the Noise Abatement Team at different times over the last few years.

The most recent incident was on the Easter weekend this year. Loud music from the Saint Bar resonated throughout the building at a very loud volume. Unfortunately, when residents tried to contact the Noise Abatement Team it was found they were not working on that evening. It has been suggested that the owners of the Saint Bar appear to know in advance the working hours of the Noise Abatement Team and ramp up the music levels as soon as the offices are unmanned.

Some of the apartments in the block are rented out to tenants. Over the years landlords have reported that a number of the tenants have moved out of the apartments due to the noise nuisance created by the Saint Bar and associated anti-social behaviour in the early hours of the morning.

The Saint Bar has a fire escape which leads into the secure garage belonging to the Glass House apartments. Residents report incidents where patrons from the Saint Bar enter the garage via the fire escape and undertake what looks like illicit activities. Residents report that when they come into the secure garage late at night it is most intimidating to find the security breached by groups of patrons from the Saint Bar.

Continued over ...

**Commercial Property Consultants**

3 The Horsefair • Hinckley • Leicestershire • LE10 0AN  
Telephone: (01455) 251535 / 233332 Fax: (01455) 635320

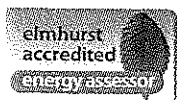
Website: [www.faulknerandcompany.co.uk](http://www.faulknerandcompany.co.uk)

Email: [commercial@faulknerandcompany.co.uk](mailto:commercial@faulknerandcompany.co.uk)

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COMMERCIAL



The residents have asked that we mention the following point: In the early hours of the morning when the Saint Bar begins to close, the patrons seem to find it acceptable behaviour to shout, scream and swear at the top of their voices in the immediate vicinity of the Glass House causing a major noise nuisance to residents living close by.

It was reported to the police some time ago that threats of physical violence against the person and property were made by Saint Bar personnel against Glass House residents for daring to report noise nuisance and anti-social behaviour to the authorities.

Although there were strong objections at the time, the lease of the ground floor restaurant in the Glass House has recently been sub-let to the same owners of the Saint Bar. This now gives these people free passage to enter both the secure garage and communal areas within the Glass House apartments. This is of grave concern to the residents of the Glass House.

We are advised that one of the owners of the Saint Bar gained access to the Glass House apartments and went around knocking on everybody's front door advising that there would be very loud music that very evening. This person reportedly went on to say that he was sure that the residents would be inconvenienced by the loud music and he fully expected the residents to call the Noise Abatement Team and the Police. He claimed that he would not be deterred by such action as there is nothing these authorities could do to stop the party. One of the residents had to move out of his apartment at 11.30pm due to the noise nuisance.

The Glass House consists of luxury apartments which are occupied primarily by professionals, executives and young families. It is clear from listening to the various complaints of these residents that their quality of life is being greatly infringed upon by the repeated and ongoing anti-social behaviour of the owners and patrons of the Saint Bar.

Yours faithfully



**FAULKNER & COMPANY COMMERCIAL**

Direct Dial: 01455 233332

[management@faulknerandcompany.co.uk](mailto:management@faulknerandcompany.co.uk)

cc: J Southall - Birmingham Property Group



APP 2

W.C

STORES

E 100

PB 75

W.C.

W.C.

DJ Booth sound system

PASSAGEWAY

E 50

E 100

E 75

E 75

E 100

CBD

W9

BAR

COUNTER

W9

RESTAURANT

N2

W9

Hr 1

E 75  
PB 75

BASEMENT

BO

4/17

APP 3



WARWICK DISTRICT COUNCIL

WARWICKSHIRE  
DIRECT

23 MAR 2012

Ref:  
LEAMINGTON

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

### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We ULIEF BURTON (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

WDEPER0015443

#### Part 1 – Premises Details

WDC11EM00396

Postal address of premises or, if none, ordnance survey map reference or description

40 WARWICK STREET

Post town

LEAMINGTON SPA

Post code

CV32 5JS

Telephone number at premises (if any)

Non domestic rateable value of premises

£35,000

#### Part 2 – Applicant Details

Daytime contact telephone number

04958418575

Email address (optional)

uliefburton@hotmail.co.ukMr ☒Mrs ☐Miss ☐Ms ☐Other title  
(for example, Rev) ☐

Surname

BURTON

First names

ULIEFCurrent postal address  
if different from  
premises address95B EVESHAM ROAD STRATFORD  
ON AVON CV37 9BE

#### Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

##### Provision of regulated entertainment

Please tick ✓

- |    |  |                          |
|----|--|--------------------------|
| a) | plays (if ticking yes, fill in box A)  | <input type="checkbox"/> |
| b) | films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E)   | <input type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/> |
| g) | performance of dance (if ticking yes, fill in box G)   | <input type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

##### Provision of entertainment facilities:

- |    |  |                          |
|----|--|--------------------------|
| i) | making music (if ticking yes, fill in box I)   | <input type="checkbox"/> |
| j) | dancing (if ticking yes, fill in box J)  | <input type="checkbox"/> |
| k) | entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

The Applicant seeks no variation of the terms of the existing Licence save that the terms are extended to cover the extended dance floor area shown on the plan attached, to include DJ/sound system area as identified on the plan

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

# G

<b>Performance of dance</b> Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within (i) or (j)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing				
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors
Indoors							
Outdoors							
Both							
Day	Start	Finish	Please give further details here (please read guidance note 3)				
Mon							
Tue							
Wed			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)				
Thur							
Fri							
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list. (please read guidance note 5)				
Sun							

**L**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)				
			<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors	
Indoors							
Outdoors							
Both							
Day	Start	Finish	Please give further details here (please read guidance note 3)				
Mon							
Tue							
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)				
Thur							
Fri							
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)				
Sun							

4/22

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I have enclosed the premises licence ☒

I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

Please tick ✓

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected


**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature ✓ UC Bera

Date 23 March 012

Capacity DPS

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature .....

Date .....

Capacity .....

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town

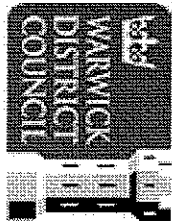
Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



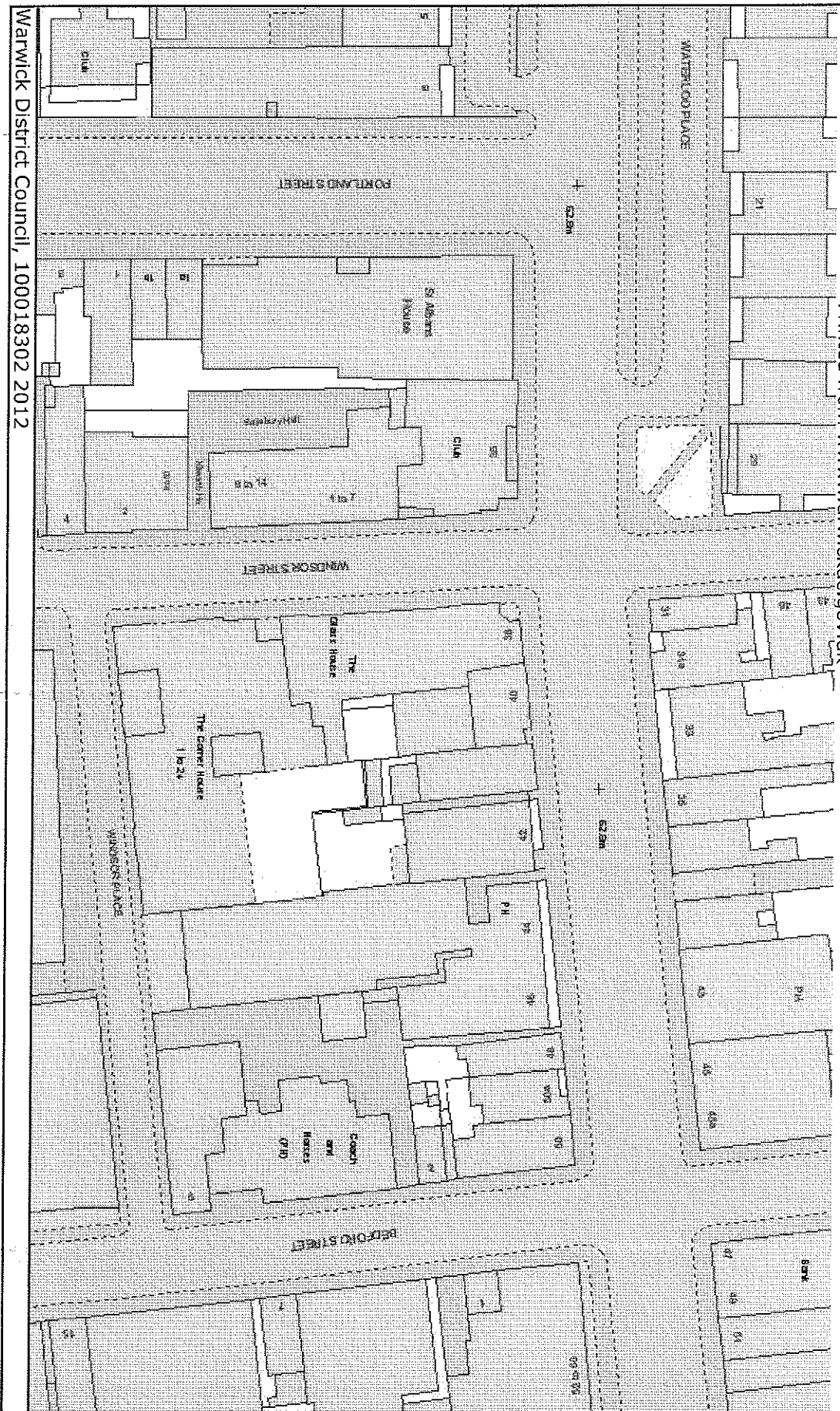
ASP 4



# GGP e-Maps

## Property Information (Scale 1:750)

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Warwick District Council, 100018302 2012

4/25



# STATEMENT OF LICENSING POLICY

**Reviewed 2009**

**(Changes to cumulative impact zone added)**

**9<sup>th</sup> July 2009**

## 1. Introduction

- 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 guidelines on its content issued under Section 182 of the Act.
- 1.2 Warwick District Council 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 of 126,000 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 aim of this Policy is to:-
- promote the Licensing Objectives.
- 1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-
- **prevention of crime and disorder;**
  - **public safety;**
  - **prevention of public nuisance; and**
  - **protection of children from harm.**
- 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 the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.

The following, will guide that decision making process:-

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
  - each licence application will be given individual consideration on its merits;
  - when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
  - the Licensing Authority will have regard to 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).
- 1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.

- 1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.
- 1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

## **2. Delegation of Functions for Regulatory Matters**

- 2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

## **3. General Statement of Guiding Principles**

- 3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

- 3.2 **Principle 1 -** The Licensing Authority will not normally fix pre-determined licensing 'quotas' in any given area but see paragraphs 7 and 8.

- 3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

- 3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8).

- 3.5 **Principle 2 -** The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

- 3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

- 3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.9 **Principle 3 -** The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.

3.10 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety; and
- promote the prevention of public nuisance.

3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.12 **Principle 4 -** As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.

3.13 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote the prevention of public nuisance; and
- address the issue of alcohol sales in shops, stores and supermarkets.

3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.15 **Principle 5 -** The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.

3.16 The purpose behind this Principle is to:-

- promote the protection of children from harm; and
- address the issue of children in licensed premises, including cinemas and other public entertainment.

3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.18 **Principle 6 -** The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

#### **4. Licensing Objectives**

##### **4.1 Prevention of Crime and Disorder**

- 4.1.1 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 on, and to do all it reasonably can to prevent crime and disorder in the District.
- 4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.
- 4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.
- 4.1.4 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 there.
- 4.1.5 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 places where alcohol may not be consumed publicly;
  - 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;
  - police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
  - the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

## **4.2 Public safety**

- 4.2.1 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.
- 4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

## **4.3 Prevention of public nuisance**

- 4.3.1 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. 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.
- 4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.
- 4.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were being achieved.
- 4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives
- 4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

## **4.4 Prevention of Harm to Children**

- 4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

- 4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.
- 4.4.3 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.
- 4.4.4 Areas that may give rise to particular concern in respect of children include premises:
- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
  - 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 is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 4.4.5 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.
- 4.4.6 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.
- 4.4.7 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.



- 4.4.8 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.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

## **5. Other Considerations**

### **5.1 Live Music, Dancing & Theatre**

- 5.1.1 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 in neighbourhoods will always be carefully balanced with these wider benefits.

### **5.2 Integration of Strategies**

- 5.2.1 The Licensing Authority shall 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.

- 5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

- 5.2.3 Certificates issued to club premises shall 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.

- 5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

- 5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.
- 5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

## **6. Other regulatory regimes**

- 6.1 This policy shall avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

### **6.2 Health and Safety**

- 6.2.1 Premises will normally have been visited by the Council's Environmental Health 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 unless they are necessary for the promotion of the licensing objectives.

### **6.3 Fire Safety**

- 6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

### **6.4 Food Hygiene**

- 6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

### **6.5 Noise**

- 6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

## **6.6 Planning**

- 6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

## **6.7 Standard Conditions**

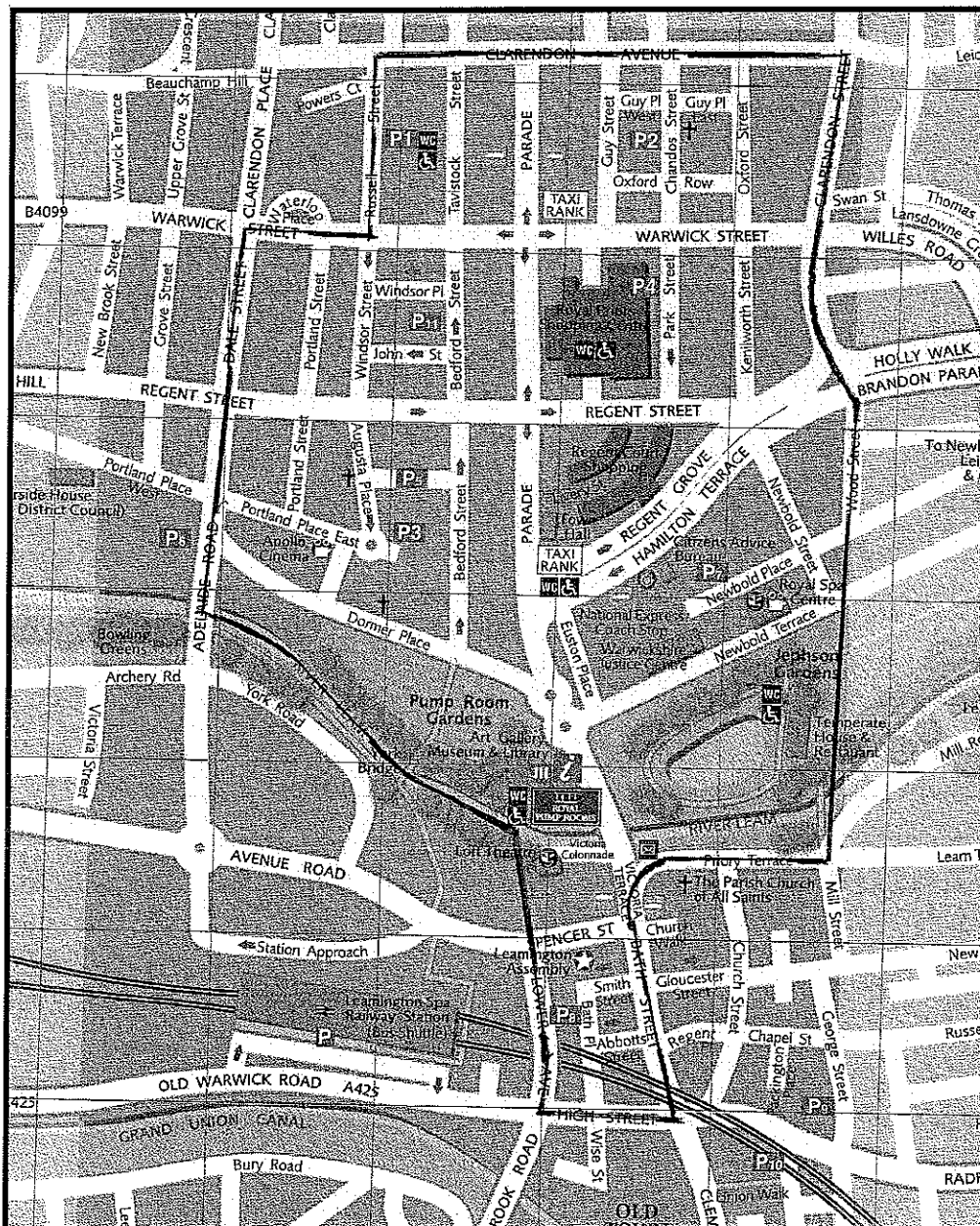
- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

## **6.8 Enforcement**

- 6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.
- 6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. 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 Enforcement Group. Information about this group is available separately

## **7. Special Policy Regarding Cumulative Impact**

- 7.1 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.
- 7.2 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 paragraph 13.26 of the Licensing Act Guidance were made.
- 7.3 The Licensing Authority formed two saturation zones, based on information supplied to it 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.
- 7.3 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. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)



- 7.4 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.
- 7.5 The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.
- 7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined

in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

- 7.7 The Licensing Authority will not operate a quota of any description including any 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.
- 7.8 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.
- 7.9 If an application for a 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.
- 7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.
- 7.11 The policy will be subject to review.

## **8. Further Information**

- 9.1 The Licensing Authority has produced guides for applicants.
- 9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.
- 9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.
- 9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.