Licensing & Regulatory Panel

Thursday 29 August 2019

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Thursday 29 August 2019, at **10.00am**.

Membership: Councillors C. Gifford, Heath and Leigh-Hunt.

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

1. **Appointment of Chairman**

   To appoint the Chairman of the meeting.

2. **Declarations of Interest**

   Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

   Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

   Members are also reminded of the need to declare predetermination on any matter.

   If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Application for a full variation of a premises licence issued under the Licensing Act 2003 for 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB**

   To consider a report from Health & Community Protection (Pages 1 to 67)

Published Monday, 19 August 2019

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 456114
E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officer named in the report. Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

WARWICK DISTRICT COUNCIL	**Licensing & Regulatory Committee 29 August 2019**	**Agenda Item No. 3**

Title	Application for a full variation of a premises licence issued under the Licensing Act 2003 for 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB
For further information about this report please contact	Tayyibah Daud, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456738 Tayyibah.daud@warwickdc.gov.uk
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	**Date**	**Name**
Chief Executive/Deputy Chief Executive		
Head of Service	16.08.2019	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

1. Summary

1.1 Warwick District Council Licensing Authority has received a valid application for a full premises licence variation for 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB

1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. Recommendation

2.1 Members are asked to consider the information contained in this report and decide whether the variation application for 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB, should be granted and, if so, whether the licence should be subject to any additional conditions.

2.2 When considering the application, the panel must also give appropriate weight to: -

a) The representations received.

b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

c) The Council's Licensing Policy Statement (attached as appendix 22)

d) The Licensing Objectives, which are: -

i) The Prevention of Crime and Disorder.
ii) Public Safety.
iii) The Prevention of Public Nuisance.
iv) The Protection of Children from Harm.

However, it should only consider those licensing objectives which have been referred to in the representations received.

2.3 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.

2.4 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

3. Reasons for the Recommendation

3.1 TG Convenience Stores Limited have applied for a full variation of the premises licence at Warwick Road Service Station ,203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB.

3.2 The application is to extend the hours for alcohol sales, to remove the restrictions to the sale of alcohol on Christmas Day and Good Friday, add the

provision of late night refreshment and to remove embedded restrictions on the current licence.

3.2 The initial licensable hours requested by the applicant are shown in the table below:

Initial application details:

A copy a	Opening Hours	Sale of alcohol for consumption off the premises	Late Night Refreshment (Indoors and outdoors)
However, the applicant has amended the application to the below: Monday to Sunday (including Christmas Day and Good Friday)	00:00 to 24:00	06:00 to 24:00	23:00 to 05:00

Amended application details:

A c o p y o f T	Opening Hours	Sale of alcohol for consumption off the premises	Late Night Refreshment (Indoors and outdoors)
Monday to Sunday (including Christmas Day and Good Friday)	00:00 to 24:00	**06:00 to 23:00**	**23:00 to 05:00 To allow the sale of hot drinks only**

he current premises licence summary, which shows the current licensable hours is attached as appendix 1.

A copy of the proposed operating schedule is attached as appendix 2.

3.3 A representation has been received from Warwickshire Police which is attached as appendix 3.

3.4 The Licensing Department initially received 24 representations from residents. However, since the amendments shown in the table above, there are currently 15 representations, these are attached as appendices 4 to 18.

3.5 No representations have been received from:

- Environmental Health
- Trading Standards
- Fire Authority
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

3.6 A plan of the premises is attached as appendix 19. A map and photographs of the area are attached as appendices 20 and 21.

4. Policy Framework

4.1 Fit for the Future (FFF)

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.
This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	**Services**	**Money**
External		
Health, Homes, Communities	**Green, Clean, Safe**	**Infrastructure, Enterprise, Employment**
Intended outcomes: Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	Intended outcomes: Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	Intended outcomes: Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
The licensing policy recognises 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.	None	The licensing policy relates 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.
Internal		
Effective Staff	**Maintain or Improve Services**	**Firm Financial Footing over the Longer Term**
Intended outcomes: All staff are properly trained All staff have the	Intended outcomes: Focusing on our customers' needs Continuously improve	Intended outcomes: Better return/use of our assets Full Cost accounting

appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	our processes Increase the digital provision of services	Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

5. Budgetary Framework

5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

6. Risks

6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 21 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.

Premises Licence

(To be kept at the premises)

Warwick Road Service Station,
Petrol Filling Station,
203A Warwick Road,
Kenilworth,
Warwickshire,
CV8 1FB.

Premises Licence number **WDCPREM00244**

The times the licence authorises the carrying out of permitted licensable activities

Sale of Alcohol for Consumption Off the Premises

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
a. On weekdays, other than Christmas Day, 08:00 to 23:00
b. On Sundays, other than Christmas Day, 10:00 to 22:30
c. On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
d. On Good Friday, 08:00 to 22:30

The above restrictions do not prohibit:
(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
(c) the sale of alcohol to a trader or club for the purposes of the trade or club;
(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

The opening hours of the premises
The premise may be open for non- licensable activities at times other than those stated.

Embedded conditions

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

The Prevention of Crime and Disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.

3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request.

4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.

5. The system will display, on any recording, the correct time and date of the recording.

6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

Public Safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the Licensing Authority and Police.

The Prevention of Public Nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

The Protection of Children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Warwickshire Police

Your Name	PS 1958 Chris Kitson
Job Title	Warwick and Kenilworth Safer neighbourhoods Team Sergeant
Postal and email address	Warwick SNT Hub, St George's House, Cape Road, Warwick CV34 5DJ
Contact telephone number	[redacted]

Name of the premises you are making a representation about	Warwick Road Service Station – Texaco Group Petrol Filling Station, 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB
Address of the premises you are making a representation about	

Which of the four licensing Objectives does your representation relate to?	*Yes Or No*	***Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary***
To prevent crime and disorder	Y	Warwickshire Police objects to this license application, both under the crime and disorder prevention grounds and public nuisance. If this license were to be granted, there is an increased risk of Anti-Social Behaviour and public nuisance in this location due to the attraction it will bring as an alternative location that is open later in to the night for groups of young people to congregate. Kenilworth has historically suffered from primarily anti-social behaviour caused by young people from the area, particularly around St Johns Ward where the applying premises is located. It is in the centre of a gyratory island so is visible from the main Warwick, the Leamington Road from the A46, and is surrounded by residential properties on Warwick Road, Birches Lane, and Leamington Road. WP often receive reports late into the evening of ASB in this beat area – having reviewed our command and control incidents, at least 9 of the incidents in the last three months alone have involved reports of youths on scrambler bikes, noisy house parties involving young people intoxicated and violence being reported, groups of youths shouting and smashing bottles, vehicles parked up revving their engines – and one incident of public order with two males threatening another male on the forecourt itself, which staff at the garage did not intervene into, nor challenge one of the offenders for smoking on the forecourt. If staff are not willing to challenge on such minor issues as smoking near petrol pumps, WP has little faith that they would have the fortitude to address ASB or underage sales of alcohol, either directly or by-proxy, when encountering these groups entering the premises for alcohol, food or drink, late in to the evening. What is also an unfortunate reality is that in some of these incidents, due to the time of night and the challenges front

		line policing experiences, officers were unavailable sadly to attend to move these groups on, there simply was not the resource when prioritised below other emergencies due to it being noise or anti-social behaviour, but this nevertheless continues to impact then for what can be several hours upon those in residential properties nearby who have to tolerate this. It is the belief that if there was a forecourt where these groups could purchase food and drink, it would attract and sustain further ASB in that immediate and adjacent area to the detriment of the local community. It brings added risk due to the age range of underage drinking, under age sales, and proxy sales. There is a risk of increased public nuisance due to the location of nearby towns such as Leamington and Coventry, where people will be returning from nights out in these neighbouring towns by taxi, and will seek to obtain food and alcohol from this garage upon arriving back in Kenilworth. The likelihood this will become a drop-off point and focal point for taxis is thereby increased, and as such the disruption and noise that neighbouring residents already tolerate during present operating hours will be compounded well in to the early hours, as clubs in Leamington often do not close until 4am. In addition to this, there are also local public houses within the area which presently have no other 24 hour licensed premises anywhere nearby, whether within walking distance or otherwise. A 24 hour license at this premise we believe would become a common go-to after the pubs have closed, with those who proceeding to this licensed premises for both food in the absence of any other viable fast food outlets resulting in noise and disruption residents due to intoxication. Further evidence may be submitted in advance of any hearing.
Public safety		
To prevent public nuisance	Y	See above
To protect children from harm	Y	See Above

	Based on the above evidence, Warwickshire Police cannot

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	suggest any conditions that we believe would reduce the risks or be adhered to and therefore we object in full.

Signed: [redacted] Date: 24/07/2019

Tayyibah Daud

From: Matt Lang <[redacted]
Sent: 04 July 2019 17:13
To: Licensing
Subject: Ref: WDCPREM00244

Reference: WDCPREM00244
Warwick Road Service Station - Extn hours, add LNR & change to cond, Petrol Filling Station, 203A Warwick Road, Kenilworth, Warwickshire, CV8 1FB

To whom it may concern,

May I raise an objection to this application. I am a resident very close to the licence application address. As a serving law enforcement officer I spend too much of my time dealing with alcohol related incidents. Kenilworth town literally closes down at midnight in that all street lighting shuts off other than a couple of main roads which suggest absolutely no requirement for a 24 hour licence. In addition, from a professional point of view I am concerned that readily available late night alcohol may fuel a rise in anti social behaviour and domestic abuse as well as exacerbate rising obesity and other alcohol related ailments.

To conclude, in my opinion this application should be refused to avoid:
•Underage drinking
•Anti social behaviour
•Domestic abuse
•Placing further strain on the NHS
•Unnecessary calls for service to the police.

Thank you for your time,

Mr M J Lang

Tayyibah Daud

From: Paul Michlig <[redacted]>
Sent: 10 July 2019 13:59
To: Licensing
Subject: Fwd: WDCPREM00244

Best Regards,

Paul Michlig

Begin forwarded message:

From: Paul Michlig <[redacted]
Date: 10 July 2019 at 13:31:06 BST
To: licensing@warwickdc.org.uk
Subject: Fwd: WDCPREM00244

Hi, on my previous email I forgot to include my address, it is:

[redacted]Clarkes Avenue
Kenilworth
CV8 [redacted]

Best Regards,

Paul Michlig

Begin forwarded message:

From: Paul Michlig [redacted]
Date: 10 July 2019 at 13:26:15 BST
To: licensing@warwickdc.org.uk
Subject: WDCPREM00244

To the Licensing Team,
I would like to make known my objection to the Texaco filling station in St. John's Kenilworth receiving an extended licence to allow them to sell alcohol from Monday to Sunday From 00.00 to 24.00 T.
Mr reason for this is based on my concern that there will be increased noise, vandalism, littering and violence. This is based on my previous experience when the Shell garage was open all hours. It became a focal point for groups of people who were already under the influence of drink and seemed to want to continue drinking in the street. As a result they have no access to toilet facilities and are happy to urinate anywhere dumping cans and bottles as they go. With the current increase in knife crime I would think that it would be unwise to create what could easily become another flash point.

Thanks and Best Regards,

Tayyibah Daud

From: [redacted]
Sent: 11 July 2019 16:18
To: Licensing
Subject: Texaco filling station Kenilworth

Re: Texaco filling station: extended opening hours to sell alcohol (Ref WDCPREM00244)

[redacted] we object to the station applying for a licence to sell alcohol Monday-Sunday from 00.00 to 24.00.

Vehicles could be driving up at any time of the night or early morning and creating a noise and disturbance in a quiet residential area which includes retirement flats. 24-hour alcohol outlets should be restricted to areas where traffic is constant such as motorways or located in out of the way places.

Where residential areas are concerned, the convenience of local residents should take precedence over the commercial convenience and a big retail company like Texaco. If it wants to maximise profits it should find less anti-social ways of doing so. 24/7 access is vital when it comes to emergency services but is not justified in the case of purchasing alcohol.

[redacted]

Licensing Act 2003 Representation Form

WARWICK DISTRICT COUNCIL

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known): TG CONVENIENCE STORES (LINDA MILLAR)

Premises name and address:
PETROL FILLING STATION. 203A WARWICK ROAD KENILWORTH CV8 1FB

Application for a	Premises Licence..... ☐ Club Premises Certificate..... ☐
Application to vary an existing	Premises Licence..... ☑ Club Premises Certificate..... ☐
Application Number	WDCPREM00244

Section 2 - Objector details

Individual Objectors Details:
If you are objecting as a representative go to the next section

Applicant Title	Mr ☐ Mrs ☐ Miss ☑ Other ☐
Surname	O'CONNOR
First name(s)	LESLEY

Address (incl postcode):

[redacted] SUNCLIFFE DRIVE
KENILWORTH
CV8 [redacted]

C.S.T.
16 JUL 2019
WARWICK DISTRICT COUNCIL

Section - Objection Details	
My objection is relevant to the following licensing objective: ***You can tick more than one box***	☑ Prevention of crime and disorder. ☑ Prevention of public nuisance. ☑ Protection of children from harm. ☑ Public safety

✓	I object to the application being granted at all I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.
Please attach supporting documents / further pages as necessary - Please number all extra pages

A further outlet for alcohol is un-necessary. To grant this application would increase the possibility of selling alcohol to underage children. There is no guarantee that younger children will not receive alcohol bought by those over 18. There could be a threat to public safety if alcohol is sold at this petrol station - it is in a position very near busy roads. Sainsburys, Waitrose, Iceland, 3 local 'one-stop' shops all sell alcohol, plus the many local pubs. Another petrol station on Warwick Road was refused a licence and so should this petrol station

Signed. [redacted]

Date 13-07-19

[redacted]

[redacted] Warwick Rd

Kenilworth CV8 [redacted]

The Licensing Team 17 July 2019

Community Protection W.D.C.

Riverside House, Milverton Hill

Leamington Spa CV32 5HZ.

Dear Sir/Madam

Re. Extended Opening Hours for alcohol Sale

TEXACO Lillys Station

(Ref. WDC PREM00244).

I am writing to express my opposition to the following proposal on the grounds of a Public Nuisance. There seems to be no end to the greed and demands of this garage - Kenilworth is not Coventry.

Yours faithfully [redacted]

1

Health & Community Protection [redacted] Woodwick Rd
Tayyibah Daud Kenilworth CV8 [redacted]
Licensing Enforcement Officer. 4.8.2019
W.D.C.

Licensing Act 2003 Varied Service St.

Dear Sir,

In reply to your letter of 13th Aug 2019
~~(letter of 13.8.19 from Nigel Wright)~~
I list my objections to the granting of
a licence variation for the above Service
Station.

1. We shall certainly have youths buying alcohol 'out of normal hours' probably sitting on the wall of the forecourt causing noise & nuisance late at night through loutish behaviour

2. What do the police think of this - more work for them! Do any of the committee oppose a business selling

alcohol all night? I bet not!

3/ There is Sainsburys 100 yards up the road why not ask them to sell very late night alcohol.

4/ You are encouraging unsocial behaviour, even now we have empty beer bottles & cans known from cars also empty packets of crisps + sweets and cigarettes - and anything else the great British public can throw from a car window.

There are problems enough in a residential area - Why encourage more?

Yours faithfully

[redacted]

Tayyibah Daud

From: Steve [redacted]
Sent: 17 July 2019 13:11
To: Licensing
Subject: WDCPREM00244

Hello ,
I have read with dismay that texaco
wish to have extended opening through the night opening in Kenilworth.
I live on Hermitage way / farmer ward road and feel this will just cause more noise , litter and unruly behaviour which is totally unnecessary and unacceptable.
I would urge you to turn this down .
Steve & Janette Dewhurst

Sent from my iPhone

From: [redacted]
Date: 7 July 2019 at 19:11:22 BST
To: licensing@warwickdc.org.uk
Subject: Ref WDCPREM00244

Dear sir/madam,

I would like to object to the above application for extended opening hours for the Texaco filling station Kenilworth, on the grounds of prevention of public nuisance.

Yours

[redacted]

Sent from my iPad

Tayyibah Daud

From: Gerry Hughes [redacted]
Sent: 08 July 2019 19:44
To: Tayyibah Daud
Subject: Re: Ref WDCPREM00244

Hi Tayyibah,

I believe that youths may gather late at night when the pubs are closed , around the petrol station where they can purchase alcohol. They will sit outside the premises and make a nuisance of themselves . This may lead to unruly behaviour and possible disturbance.

Regards
[redacted]

Sent from my iPad

On 8 Jul 2019, at 14:36, Tayyibah Daud <Tayyibah.Daud@warwickdc.gov.uk> wrote:

> Dear Mr Hughes,
>
> Thank you for your email.
>
> To enable the Licensing Panel to fully understand your concerns could you please expand on the reasons why you believe the grant of this application may undermine the licensing objective of public nuisance.
>
> A licensing panel has been arranged for 15th August 2019 and any objections received will form part of the public agenda. Please let us know as soon as possible if you wish for your details to be redacted from the public version.
>
> Thank you,
>
> **Tayyibah Daud**
> Licensing Enforcement Officer
>
> Health & Community Protection | Warwick District Council | Riverside House | Milverton Hill | Royal Leamington Spa | CV32 5HZ | 01926 456738
>
> tayyibah.daud@warwickdc.gov.uk | www.warwickdc.gov.uk
>
> *Please don't print this email unless you really need to.
>
> **From:** Gerry Hughes [redacted]
> **Sent:** 07 July 2019 19:16
> **To:** Licensing <licensing@warwickdc.gov.uk>
> **Subject:** Fwd: Ref WDCPREM00244
>
> Sent from my iPad
>
> Begin forwarded message:

Tayyibah Daud

From: ralph shores [redacted]
Sent: 17 July 2019 14:39
To: Licensing
Subject: REF: WDCPREM00244

Dear Sirs, Reference the application WDCPREM00244 for the extended license to sell alcohol from the Texaco Filling Station at Kenilworth St John's. Please register my objection on the grounds of prevention of public nuisance. Undoubtedly it will provide young persons the opportunity to obtain alcohol late at night and this is unacceptable. There are fewer and fewer Police patrolling the area as it is and to extend a license for a fuel station to sell alcohol late at night is against the public interest.

Thankyou

Mr R Shores
[redacted] Wordsworth Drive,
Kenilworth
CV8 [redacted]

Tayyibah Daud

From: [redacted]
Sent: 17 July 2019 16:20
To: Licensing
Subject: WDCPREM00244

I refer to the application for a 24 hour licence for the Texeco petrol/filling station.

I object to the licence.

I can see no demand for this from local residents. The supermarkets open till 9 and there are other convenience shops which open later.

I'm sure it will bring noice and inconvenience, along with litter and other possible anti social behaviour.

Yours

[redacted]

Sent from my Samsung Galaxy smartphone.

Tayyibah Daud

From: Patsy Lewis
Sent: 23 July 2019 12:05
To: 'John Titley'; 'John Titley'
Subject: RE: License application ref: WDCPREM00244

From: John Titley [redacted]
Sent: 22 July 2019 18:08
To: Licensing <licensing@warwickdc.gov.uk>
Subject: License application ref: WDCPREM00244

Hi, I would like to object against the above license application on the grounds of extra late night noise and litter in the general location of the premises. There are already many outlets for purchasing alcohol and food in the area and there would not seem to be any further demand for any further supplies.

Regards...John Titley

[redacted] Lindsey Crescent
Kenilworth
CV8 [redacted]

Get Outlook for Android

Tayyibah Daud

From: Patsy Lewis
Sent: 23 July 2019 12:09
To: [redacted]
Subject: RE: Objection WDCPREM00244

Good afternoon

Thank you for your email and the representation received.

A Licensing Panel has been arranged for 29th August 2019 which you will be invited to attend formally once the end date for representations has passed.
Your objection will be shared with the applicant along with your personal details and the representation will also be included in the public agenda. However any phone numbers or signatures would be deleted if these are included. Please let me know as soon as possible if you wish for your details to be excluded from the public agenda.

Please respond to Licensing@warwickdc.gov.uk

Regards
licensing

From: [redacted]
Sent: 23 July 2019 08:58
To: Licensing <licensing@warwickdc.gov.uk>
Subject: Objection WDCPREM00244

Good morning

quoting ref: WDCPREM00244

We would like to lodge our objection to the above reference.

[redacted]object to the jet garage opening 24/7 and having a 24/7 liquor licence.

This will just increase litter, noise, traffic and anti social behaviours.

Please do not do this to our lovely town.

Regards

[redacted]

Tayyibah Daud

From: [redacted]
Sent: 25 July 2019 16:49
To: Licensing
Cc: [redacted]
Subject: WDCPREM00244 TG Convenience Stores Ltd

Dear Sir

Having lived in Kenilworth for most of my life I'm very pro our lovely town and would like to support this application but regret that I cannot.

[redacted]

Thankfully we have seen something of a lull in ASB in the town centre but we don't have to go back many years when we experienced significantly more and this was very distressing for local residents as well as costly. [redacted]

Much of this ASB was as a result of excessive alcohol consuption after late night opening hours or even after an employee of a local store sold alcohol for consumption by underage young people.

I fear a new 24 hour licence would lead to an increase in noise and ASB and with the resources of the Police very stretched would have a detrimental effect on residents.

The Police opposed a 24 hour licence at the Shell Garage in the past and I do hope they will do so again.

Kind regards

[redacted]

Tayyibah Daud

From: Richard Dickson [redacted]
Sent: 29 July 2019 09:49
To: Licensing
Subject: WDCPREM00244

Please consider this email as a formal objection to the above application.

Allowing the sale of alcohol 24/7 from such a prominent position on the entry to the town will run the risk of increasing antisocial behaviour in a residential location, close also to flats for older people.

I would like to speak at the hearing on 29th August.

Cllr Richard Dickson
Kenilworth St John's ward
3 Barrow Road Kenilworth CV8 1EG

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C.S.T.
30 JUL 2019
WARWICK DISTRICT COUNCIL

[redacted] Dudley Road
Kenilworth
CV8 [redacted]

26 July 2019

Ref WD-CPREM00244

Dear Sirs

I strongly object to a license being given to sell Alcohol at the Texaco Service Station in Kenilworth on the St Johns gyratory for 24 hours daily. We are all well aware of the dangers posed by Drivers of all vehicles who have been drinking Alcohol, regardless of the time of day or night. I am not against selling food at all times, but trust this will not result in litter as a result. The Service Station should be expected to make provision to keep the area tidy

Yours faithfully

[redacted]

Tayyibah Daud

From: Nic Erskine [redacted]
Sent: 31 July 2019 09:54
To: Licensing
Cc: Wendy Erskine
Subject: Proposed extended alcohol licence at Texaco Garage, Kenilworth -WDCPREM00244

Dear Sirs,

Re: Proposed extended alcohol licence at Texaco Garage, Kenilworth – WDCPREM00244

This is an objection in reference to the new application by Linda Miller for the Texaco garage/filling station on Warwick Road, Kenilworth to sell alcohol for 24 hours (7 days a week).

We would like to raise the following concerns by way of formal objection.

1. Concentration of Licensed Outlets.

– There are approx.7 public houses and bars/bistros on Warwick Road and a good selection of others nearby in Kenilworth.

– There are shops selling alcohol on this road.

– In addition to above there are numerous restaurants with alcohol licences.

After leaving local restaurants late at night, we are concerned that people will be drawn into the residential area where the Texaco garage is located, for the further purchase of alcohol and other items. There is also potential over spill from people coming back from Leamington or Coventry, being dropped off by taxis, and being able to buy alcohol at the garage.

The addition of another outlet selling alcohol in this location for 24 hours, is inappropriate and after dark adds to concerns about breaches of the peace increasing in and around the residential area.

2. Prevention of Crime and Disorder.

24 hour opening including an alcohol licence will draw unwelcome attention and increased footfall at unsociable hours to a residential area.

Noise, public nuisance, anti-social behaviour, low-level nuisance (non reportable crime including shouting, swearing, urination in public, littering) will be increased. With the recent increased cases of burglaries in Kenilworth, the extended sale of alcohol is very likely to increase the likelihood of further rises in burglaries and theft.

The site is not far from at least two parks. Historically there have been incidents of regular gatherings of youths drinking alcohol and causing disturbances. We fear that this would be exacerbated by the availability of alcohol at the Texaco garage. We also fear that there would be a likelihood of assault/harassment when returning home late at night.

3. Prevention of Public Nuisance.

The ability to buy alcohol 24 hours a day in a quiet, residential area will unnecessarily draw people from a wider area at unsociable hours.

Noise, light pollution, traffic and traffic noise will all have a negative impact.

Additional traffic, to an already busy junction and tight corner will have serious public safety implications.

4. The Protection of Children from Harm.

The licence conflicts with the amenities available to children in the area, putting them at risk from anti-social behaviour, increased littering, rodent and fox infestations, exposure to the marketing and sale of alcohol and cigarettes, increased potential for road traffic incidents.

5. Public safety

With the serious issue of drink driving, we fear that this is entirely inappropriate for a outlet such as the Texaco garage to increase the sales of alcohol and is likely to exacerbate the issue of drink driving.

Thank you for taking the time to consider our objections.

Yours faithfully,

Nicholas and Wendy Erskine

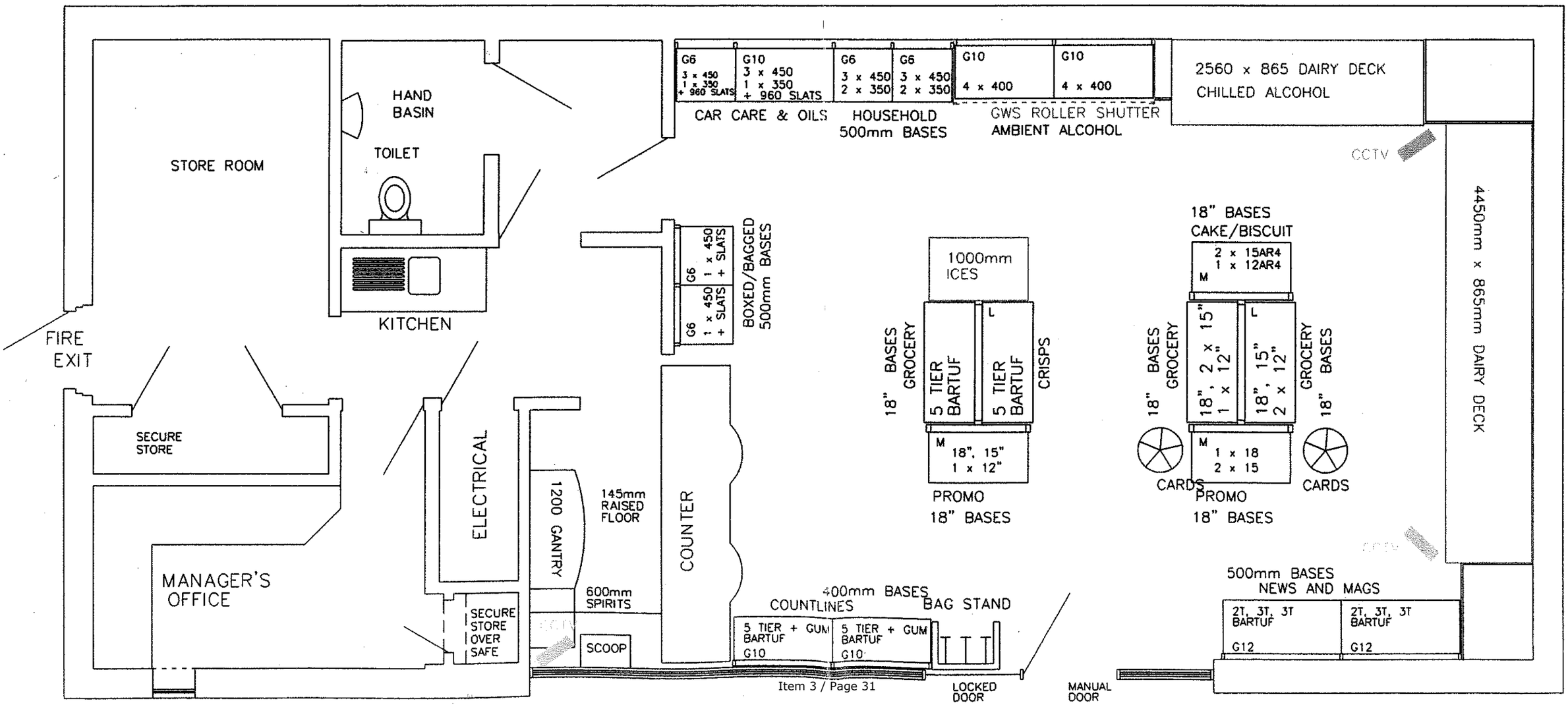
[redacted]

CLIENT
FUELFORCE

SITE ADDRESS
WARWICK ROAD FILLING ST.
KENILWORTH

SCALE
0 1M 2M 3M
0.5

EXISTING AS OF 14/04/2005



Appendix 20


Castle End
Coconut Lagoon
Shell
Moorlands Ave
Moorlands Ave
Clarke's Ave
Farmer Ward Rd
The Gardens
Hermitage Way
Arden Rd
Moseley Rd
Avonvale
Veterinary Centres
St Johns Church
St John's St
Walnut Tree Cl
Glossy Car Coats
Birches Ln
MR Taylor
Sewing Machines
Chips & Fishe's
Dryden Cl
Roseland Rd
Guy Rd
Whites Row
Jordan Cl
Thickthorn Cl
The Conifers
Halo Physiotherapy
Primary School
Jet Petrol Station
Newlands
A452
St. John's
Playing Fields
Leycester Rd
Mortimer Rd
Dudley Rd
Guy Rd
Bullimore Grove
Kenilworth Mano
Warwick Rd
Bullimore Grove
Bullimore Grove


Maximum Height 4.0m
TEXACO
COSTA
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Save 1p per litre
Maximum Height 4.3m
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TEXACO
cash
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Diesel
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EXPRESS
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Off Licence



STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2018 - 2021

IMPORTANT NOTE

In producing this Statement Of Licensing Policy the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future may not be incorporated into this policy document and readers of this document are advised to check the Home Office/Gov.uk website to ensure they have the latest information.

CONTENTS

	Page
Introduction	3
Consultation	4
Fundamental Rights	5
Licensing Conditions	5
Operating Hours	5
Late Night Levy and Early Morning Restriction Order	6
Cumulative Impact	6
Promotion of the Licensing Objectives	7
Mandatory Licensing Conditions	12
Other Considerations	12
Best Practice Schemes	14
Integrating Strategies and Avoidance of Duplication	14
Enforcement	15
Administration, Exercise and Delegation of Functions	16
Comments on this policy	18

Appendix

1. Model Conditions
2. Map of Cumulative Impact Zone
3. Responsible authorities List

STATEMENT OF LICENSING POLICY

1 INTRODUCTION

1.1 Warwick District Council ('the Council') has a duty under the terms of the Licensing Act 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 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 138,400 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.

1.4 This statement of licensing policy relates to all those licensing activities identified as falling within the provisions of the act, namely:

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an 'authorisation' means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context a Personal Licence.

1.5 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work with the Responsible Authorities, the South Warwickshire Community Safety Partnership, local businesses and local people to promote the common objectives as outlined. In addition the Licensing Authority recognises its duty under s.17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder.

1.6 This policy statement has been prepared in accordance with the provisions of the Act and the guidance issued under s.182 of the Act. The policy statement is valid until 5th January 2021. This policy statement will be subject to review and further consultation prior to any substantial changes.

1.7 A list of contact details for the Responsible Authorities authorised under the act is attached to this policy statement as Appendix 2.

1.8 The Licensing Authority has recognised Warwickshire County Council as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purposes of s.13 of the Act.

1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the guidance issued under s.182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

Public Health as a Responsible Authority

1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.

1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

2 CONSULTATION

2.1 Before publishing this policy statement the Licensing Authority has consulted and given proper consideration to the views of the following in line with the statutory guidance.

- The Responsible Authorities
- Representatives of current licence and certificate holders
- Representatives of local businesses
- Representatives of local residents

3 FUNDAMENTAL RIGHTS

3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

3.2 Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Licensing Authority.

4 LICENSING CONDITIONS

4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act**.** 'Premises' includes open spaces. Conditions attached to various authorisations will be focused on matters that are within the control of the individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other normal activities in the area concerned.

4.2 The Licensing Authority can impose conditions if it has received a relevant representation or if such conditions are consistent with the operating schedule.

4.3 When considering any conditions, the Licensing Authority acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.

4.4 The Licensing Authority will not impose standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Licensing Authority will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of any representations received.

4.5 The Licensing Authority has produced a set of model conditions, which is aimed at assisting and supporting applicants through the application process. The model conditions would also assist the Licensing Authority and Responsible Authorities in deciding which conditions would be appropriate to add to a licence. The model conditions may be found at the end of this policy as Appendix 1.

5 OPERATING HOURS

5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.

5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously thereby reducing the friction at late night fast food outlets, taxi ranks and other forms of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the District.

5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.

5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are relevant representations giving good reasons based on the licensing objectives for restricting those hours.

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

6.1 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order are appropriate for the Licensing Authority's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

7 CUMULATIVE IMPACT ASSESSMENT

7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need' which concerns the commercial demand for another particular type of premises. The Government's guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.

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.

7.3 In line with government guidance the cumulative impact zone is being reviewed in relation to crime and disorder, anti-social behaviour and noise complaints linked to licensed premises within Leamington Spa. The Licensing Authority also considers activities which take place within the town centre which could have an impact on public safety and the protection of children from harm as part of the review. A plan of the current zone may be found at the end of this policy as Appendix 2.

7.4 It is considered that the cumulative impact of further new licences within 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 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.

7.6 The Licensing Authority will not operate a quota of any description including the special policy that would predetermine 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.

7.7 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 that there will be no disproportionate impact on any of the licensing objectives. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.**

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 In line with current guidance the policy will be subject to review every 3 years.

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.

8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.

8.3 The Licensing Authority will, through its Community Safety Partnership devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already drunk.

8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations to sustain and promote the prevention of crime and disorder.

8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field and in some cases as the primary source of advice in relation to a particular licensing objective.

8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.

8.7 The Licensing Authority has specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.

8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within the District are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.

8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.

8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Licensing Authority will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the District.

8.11 In relation to premises seeking or holding a premises licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

Promotion of Public Safety

8.12 Public safety is not defined within the act, but the Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.

8.13 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.

8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret ‘public safety’ widely to include freedom from danger or harm.

8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.

8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

Prevention of Public Nuisance

8.17 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.

8.18 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.

8.19 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should seek to pre-empt potential nuisance, especially if complaints have previously arisen at the same venue.

8.20 The Licensing Authority expects holders of authorisations to use their risk assessment and operating schedules to review and, if need be, to make necessary improvements to the premises or to operational practices, in order to prevent public or statutory nuisance.

8.21 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.

8.22 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.

Protection of Children from Harm

8.23 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.

8.24 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) being used primarily or exclusively for consumption of alcohol.

8.25 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures, should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

8.26 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).

8.27 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.

8.28 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.

8.29 The Licensing Authority regards Warwickshire County Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorites to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.

8.30 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.

8.31 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.

8.32 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi- purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.

8.33 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.

8.34 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way certain licensable activities are conducted. The conditions apply to all appropriate premises.

10 OTHER CONSIDERATIONS

Relationship with Planning

10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the Council's Planning Committee and vice versa.

10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

10.3 There are also circumstances when as a condition of planning permission; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning

restrictions. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.

10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.

Applications

10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.

10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning, health and safety at work, fire safety and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.

10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.

10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public

entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing and Regulatory Sub-Committee determines that it is appropriate for such controls to be re-introduced.

Public Spaces Protection Order

10.12 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

11 BEST PRACTICE SCHEMES

11.1 The Licensing Authority supports best practice schemes for licensed premises. Premises in an area covered by a scheme are encouraged to become members of the scheme.

12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

12.1 By consulting widely prior to this policy statement, the Licensing Authority has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.

12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-

- The needs of the local tourist economy, to ensure that these are reflected in their considerations;
- The employment situation and the need for new investment and employment where appropriate; and
- The general impact of alcohol related crime and disorder.

- The general impact of alcohol related harms to health.

Crime Prevention Strategies

12.3 Crime prevention and drug and alcohol misuse policies and the input of the South Warwickshire Community Safety Partnership (SWCSP) will be reflected in licence conditions as far as possible.

12.4 The SWCSP is committed to making South Warwickshire a safe place in which to live work and visit. It is the role of the SWCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

Duplication

12.5 When considering any application the Licensing Authority will avoid duplication with other regulatory regimes as far as possible. Therefore the Licensing Authority will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

Promotion of Equality

12.5 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

13 ENFORCEMENT

13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting. This provides a more efficient deployment of resources targeting high risk premises and activities.

13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate enforcement policy in respect of licensing.

13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.

13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.

13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing enforcement policy. These options include:

- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.

- Written warning – this is a step-up from verbal advice and holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.

- Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of non-compliance remain a more formal enforcement option further up the scale may be selected in order to achieve compliance.

- Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.

- Prosecution – Under the Licensing Act 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.

- Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established Sub-Committees to determine some matters under the Act.

14.2 The Council's Constitution defines those responsibilities and is available for inspection on the Council's website, but a summary of responsibility is set out in Table 1 below.

14.3 Table 1:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

14.4 However Council has retained the power to set the Council's Licensing Policy Statement, but it will seek the views of the Licensing & regulatory Committee before determining any amendments.

Application forms And Process

14.5 All application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.

14.6 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.

14.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

15 COMMENTS ON THIS POLICY

15.1 The statement of licensing policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

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

Email: licensing@warwickdc.gov.uk

APPENDIX 1 – Set of Model Conditions

Warwick District Council has produced this document to assist and support applicants and existing licence holders through the application process. It has also been designed for the consideration of responsible authorities and the Council's Licensing and Regulatory Committee.

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions which it considers are appropriate for the promotion of one or more of the licensing objectives.

Those applying for a premises licence, club certificate, variation of a premises licence or variation of a club certificate may also wish to consider those conditions which would promote the licensing objectives when completing the operating schedule.

In determining what conditions are appropriate, it will be necessary to consider the individual circumstances of the premises, including:-

- The nature and style of the venue,
- The activities being conducted there,
- The location, and,
- Anticipated clientele

Guidance for operating schedule

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstance of an individual licensed premises and determined on a case-by-case basis.

Under no circumstances should licensing authorities regard pools of conditions as standard conditions to be automatically imposed in all cases.

Prevention of Crime and Disorder

1. There shall be no sales of alcohol for consumption off the premises after (time).

2. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

3. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

4. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above (insert percentage) will be sold or offered for sale.

5. Each self-serve pump must be covered, in full, by the CCTV system.

6. Only craft beer or ale is permitted to be dispensed from the self-service pumps and will only be available in measures of (measure).

7. Only wine is permitted to be dispensed from the self-service wine dispenser and will only be available in a maximum measure of (measure).

8. When a self-service dispenser is in use a notification system must be in place to alert a member of bar staff.

9. Regular meetings will take place between the Designated Premises Supervisor, Warwickshire Police and Licensing authority. The meetings will take place every (number) months.

10. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear (high visibility jackets or vests or armbands).

11. Door supervision must be provided on (specify days). Door supervisors must be on duty from (insert hours) and must remain on duty until the premises are closed and all the customers have left.

12. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.

13. On/at (specify days/hours) at least (insert number) of SIA registered door supervisors must be on duty at the premises (may specify location at the premises or as shown on the plan).

14. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty. That register shall be available for inspection on reasonable request Authorised Officer of the Council, the Security Industry Authority or a Police Constable and shall contain the following details:-

    - the door supervisor's name, date of birth and home address;
    - his / her Security Industry Authority licence number;
    - the time and date he / she starts and finishes duty;
    - each entry shall be signed by the door supervisor.

15. Any door staff register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or a Police Constable and will be retained on the premises for a period of 12 months from the date of the last entry.

16. The Premises Licence holder / Designated Premises Supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The Premises Licence holder / Designated Premises Supervisor will ensure that staff receive training on the policy.

17. CCTV to be installed and the premises licence holder must ensure that :-
    a. CCTV cameras are located within the premises to cover all public areas.
    b. The system records clear images permitting the identification of individuals.
    c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
    d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
    e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
    f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
    g. Signed off by Warwickshire Police Architectural Liaison officer

18. The Premises Licence holder / Designated Premises Supervisor is to provide the Police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the Premises Licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.

19. The Premises Licence holder / Designated Premises Supervisor must notify the Licensing Office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.

20. No open vessels to leave the premises at any time.

21. No open vessels to be taken outside the curtilage of the premises at any time.

22. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.

23. Only plastic glasses / plastic bottles / toughened glass to be used in the outside areas of the premises.

24. Plastic or toughened polycarbonate (or similar) glasses / bottles will be used when requested by Warwickshire Police.

25. Drinks must only be served in polycarbonate/plastic containers.

26. No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.

27. SIA door staff will be required to remove all alcohol from customers who are queuing to

enter the premise or entry to be refused. This alcohol must then be disposed of immediately in a bin provided at the premises.

28. A Personal Licence holder must be on the premises at all times when open to the public.

29. A Personal Licence holder must be on the premises on (state days) (time) between (time) hours and close of business.

30. The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence. This should be maintained and made available for viewing by Authorised Officers.

31. Details of the names, addresses and up-to-date contact details for the Designated Premises Supervisor and all Personal Licence holders shall be maintained and kept on the premises.

32. Premises will participate in any Police or responsible authority awareness campaign or training that is relevant to the sale of alcohol, use of drugs or entertainment.

33. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.

34. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Warwickshire Police.

35. There shall be displayed on the premises, information regarding drugs awareness. / Zero tolerance policy.

36. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.

37. The premises will be a member of the locally approved radio scheme and abide by its policies and procedures.

38. The premises is to maintain an incident book to record details of the following:-

    - Any violence or disorder on or immediately outside the premises,
    - Any incident involving controlled drugs (supply / possession or influence on the premises,
    - Any other crime or criminal activity on the premises,
    - Any call for police assistance to the premises,
    - Any ejection from the premises,
    - Any first aid/other care given to a customer.

39. An incident book to made available for inspection by a responsible authority on reasonable request.

40. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

(a) The police (and, where appropriate, the Ambulance Service) are called without delay;
(b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
(c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
(d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

41. Any staff employed at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include (delete where applicable) ;-

- Drunk awareness
- Drugs awareness
- Age verification training
- Conflict management training
- First aid

42. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.

43. No entry / re-entry 1 hour before permitted hours.

44. No entry / re-entry after (time) (days).

45. Any queue (in a designated queuing area) to enter the premises must be supervised at all times by door supervisors.

46. Any (designated) queuing area must be within suitable barriers.

47. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.

48. The premises must only operate as a restaurant:

- in which customers are seated at a table
- which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery
- which do not provide any take away service of food or drink for immediate consumption, and
- where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals

49. The supply of alcohol to customers must be by waiter or waitress service only.

50. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

Prevention of Public Nuisance

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.

2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.

3. All external doors and windows shall be kept closed when regulated entertainment is being provided, except for access and egress and in the event of an emergency.

4. The beer garden / outside area is not to be used/occupied after (x) hours daily.

5. There will be no external loud speakers.

6. The Premises Licence holder / Designated Premises Supervisor will adopt a “cooling down” period where music volume is reduced (insert minutes) before the closing time of the premises.

7. At an appropriate time before closing time, announcements shall be made reminding customers to leave quietly.

8. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.

9. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.

10. The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.

11. Outside areas and activity must cease and be cleared at (time).

12. The beer garden / outside area(s) is not to be used/occupied after (time) hours daily.

13. With the exception of smokers, the outside area shall not be used by customers after (time).

14. Drinks shall not be permitted to be consumed in the outside area after (time).

15. In relation to the (specified function room) there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending a pre-booked function.

16. Licensable activities at events in the (specified function room) shall only be provided at pre-booked ticketed events.

17. Customers shall not enter or leave the premises from / by (insert specific entrances or exits), except in the event of an emergency.

18. The licence holder (or his/her nominees) shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and as quietly as possible.

19. The licence holder (or his/her nominees) shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

20. There shall be no admittance or re-admittance to the premises after (time) except for patrons permitted to temporarily leave the premises to smoke.

21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (number) persons at any one time.

22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

23. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).

24. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

25. All outside tables and chairs shall be prohibited from use after (time) each day.

26. All tables and chairs shall be removed from the outside area by (time) each day.

27. No external seating shall be provided at the premises.

28. All external doors and windows shall be kept closed after (time) hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.

29. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.

30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

31. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the local authority's Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the

Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment for the purposes of providing regulated entertainment shall be used on the premises without being routed through the sound limiter device.

33. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of Warwick District Council's Environmental Health service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.

34. No regulated entertainment shall take place in the outdoor areas at any time.

35. The provision of live music shall be limited to no more than two performers.

36. All outdoor entertainment shall be unamplified.

37. Suitable means of ventilation shall be provided and maintained at the premises to enable doors and windows to be closed whilst regulated entertainment is being provided.

38. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.

39. The Premises Licence holder (or his/her nominees) will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.

40. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (time) hours and (time) hours on the following day.

41. During the hours of operation of the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

42. No collections of waste or recycling materials (including bottles) from the premises shall take place between (time) and (time) on the following day.

43. No deliveries to the premises shall take place between (time) and (time) on the following day.

Public Safety

1. A designated room, space or location to be provided within the premises to create a safe environment which is monitored by a trained and DBS checked member of staff or volunteer.

2. All doors/gates through which persons may have to pass whilst making their way from the premises shall be readily and easily openable from within without the use of a key, code, card etc.

3. Once a licence has been granted a Fire Risk Assessment is to be kept on the premises and be available for inspection by an authorised officer.

4. The premises should be provided with a means for raising the alarm in the event of fire.

5. Staff should be aware of the siting of extinguishers, of their correct method of operation and know which equipment is appropriate for a particular fire. The equipment should be so placed as to be readily available for use. At least one appliance should be placed at or near to the exit from a floor and, where extinguishers are provided for special risks, as far as practical be sited close to the risk for immediate use.

6. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.

7. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined.

8. The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.

9. The maximum number of persons allowed in the premises shall be (insert numbers, areas and occasions).

10. A person who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if required to do so, give that information to an authorised person.

11. At all times door supervisors on duty, numbers or persons inside the venue shall be recorded by way of a clicker system or similar, and shall if required to do so, give that information to an authorised person.

12. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

13. The Premises Licence holder / Designated Premises Supervision must develop and operate a policy which ensures the safe evacuation of disabled people in the event of an emergency. All staff shall be made aware of these arrangements.

14. Staff or attendants shall be readily identifiable to members of the public.

Protection of Children from Harm

1. Signage to be displayed around the premises in prominent places informing both staff and customers of the 'Challenge 25' policy.
2. A notice(s) shall be displayed in and at the entrance to the premises where they can be clearly seen, indicating that there is a “Challenge 25” policy in place at the premises.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
4. All deliveries of alcohol must be made by a person over the age of 18 years.
5. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
6. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
7. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
8. Under 18’s events will not take place without prior consultation with the Police and Licensing Authority.
9. Under 18’s events will not take place at the premises.
10. No persons under the age of 18 years will be allowed on the premises after (time) unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority.
11. The premises will operate a “Challenge 25” proof of age policy.
12. The premises is to maintain a refusals book/record to record the details of incidents where a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the book make a record of these checks. The book must be made available to a Police Constable/Authorised Officers of the Licensing Authority on request.
13. Any person who is authorised to sell alcohol at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on how to prevent underage sales and any other relevant matters. A written record will be kept of all training provided and this record will be kept on the premises for inspection by any Responsible Authority.
14. No persons under the age of 18 years to operate the self-serve pumps at any time.

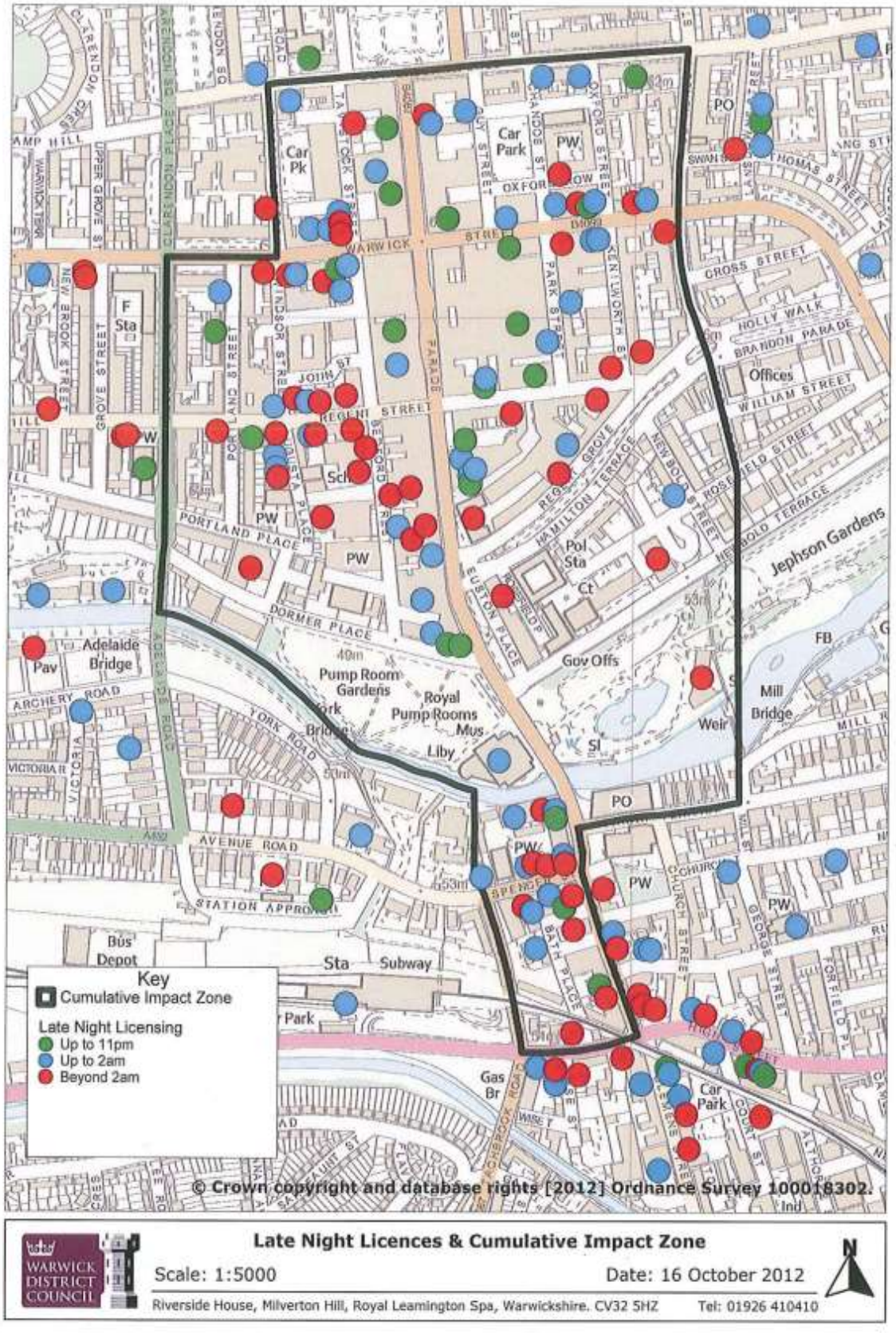
The above are generic conditions that applicants may wish to include within their application to speed up any discussions with the relevant responsible authorities. The use of these conditions does not guarantee the granting of a premises licence. Each application will be assessed on its own merits and in the context of its location and potential to impact on the licensing objectives. Additional conditions, or amendments to these model conditions, may be necessary in order to uphold the four licensing objectives. These model conditions are

not exhaustive and do not prevent you from volunteering any alternative measures that you believe are more appropriate for your particular premises.

Applicants will also need to consider whether their premises falls with any designated cumulative impact zones (CIZ) as higher standards will be applied.

For premises licences relating to outdoor music events, festivals, etc. applicants are encouraged to read the guidance provided by Warwick District Council's Safety Advisory Group (SAG) for information on planning their events. This can be found at: www.warwickdc.gov.uk/safetyadvisorygroup

APPENDIX 2 – Cumulative Impact Zone



APPENDIX 3 - 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 484226
Email: southwarksliquorlicensing@warwickshire.pnn.police.uk

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

Tel: 01926 423231
Email: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCIES 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

Health and Safety Executive – Birmingham Office
19 Ridgeway
9 Quinton Business Park
Quinton
Birmingham
B32 1AL

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:
Safer Communities 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:
Licensing Team
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456705
Email: Licensing@warwickdc.gov.uk

AUTHORITY RESPONSIBLE FOR PLANNING:
Manager, Development Services
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:

Strategic Commissioning People Group
Building 2, Saltisford Office Park
Ansell Way
Warwick
CV34 4UL

Tel: 01926 410410
E-mail: licenseapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Divisional Trading Standards Officer
Warwickshire Trading Standards
Old Budbrooke Road
Warwick
CV35 7DP

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

NATIONAL HEALTH SERVICE/PUBLIC HEALTH:
Public Health Department (Licensing)
NHS Warwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email: phadmin@warwickshire.gov.uk