

 <b>Licensing &amp; Regulatory Committee</b> <b>17 May 2016</b>		<b>Agenda Item No.</b> <b>3</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Bread and Butter, 53 Regent Street, Royal Leamington Spa.	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

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

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	25.4.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	26.4.2016	Moirra-Ann Grainger
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps - None</b>		

## 1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Ms Mary Noone for Bread and Butter, 53 Regent Street, Royal Leamington Spa.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

## 2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a premises licence for Bread and Butter, 53 Regent Street, Royal Leamington Spa, should be granted and, if so, whether the licence should be subject to any conditions.

## 3. THE APPLICATION

- 3.1 Ms Noone applied for a premises licence for Bread and Butter, 53 Regent Street, Royal Leamington Spa, on 21 March 2016, however, the application was not valid until 25 March 2016.
- 3.2 The premises licence is for a restaurant selling alcoholic beverages with food served by waiters/waitresses. The licensable activities requested are set out in the table below:

	Sale of alcohol for consumption on and off the premises	Opening Hours
Everyday	12:00 to 22:00	08:00 to 22:00

- 3.3 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

### *General*

The premise consists of a restaurant serving healthy Mediterranean food with a seating capacity of 25 people on one floor. The premises provides freshly prepared food – breakfasts, brunch, lunch and dinner accompanied by wine and non-alcohol drinks for families, couples and individuals. The ambience is family orientated and discourages antisocial behaviour. The management and staff are fully briefed regarding the following licensing objectives.

### *The prevention of crime and disorder*

The management and staff have procedures in place to identify, monitor and report high risk individuals or groups in order to prevent crime and disorder. They will be prevented from entering or removed from the premises and the assistance of community policing will be requested where appropriate.

### *Public Safety*

Appropriate procedures, assessments and training has been given and will be updated to ensure the safety of staff and customers in respect of health and safety, first aid and potential fire risk and the maximum capacity will be monitored and maintained.

*The prevention of public nuisance*

The sale of wine and other alcoholic beverages will only be available to diners on the premises. Any off sales will only be available to existing customers. Access to the premises will be restricted to 21:00 to members of the public except where diners have pre-booked. The DPS will be on the premises at all times and will ensure any nuisance is monitored and resolved, through policing if necessary at all times.

*The protection of children from harm*

The management and staff do not propose to allow any activities which could pose a risk to children. All persons under the age of 18 will be required to be accompanied by a responsible adult during licensing hours and supervised. The DPS and staff will adopt and operate the Challenge 21 scheme, signs will be displayed and any person appearing to be aged 21 or under will be asked for proof of ID.

3.4 Representations have been received from ten people who either live or work within the vicinity of the premises, these are attached as appendices 1 to 10.

3.5 Representations were also received from Warwickshire Police, Environmental Health and two further residents. However, conditions have been agreed with the applicant and these representations have subsequently been withdrawn. These conditions were agreed and therefore will be added to any premises licence issued:

1. Alcohol to be tabled served by waiter/waitress service at all times
2. Alcohol only to be supplied to those persons partaking of a table meal
3. No Open vessels to be taken outside the premises at any time.
4. Refusals book / registered to be maintained and made available for inspection on reasonable request from responsible authority.
5. No persons under the age of 18 years will be allowed on the premises 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
6. All staff to be trained in age verification policies and procedures
7. All staff training records will be maintained and made available for inspection on reasonable request from responsible authority.
8. Staff to be trained in drunk and drugs awareness.
9. No public bar area.

3.6 No representations have been received from:

- Fire Authority
- Enforcement Agency for Health and Safety.
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health
- Body responsible for the protection of children from harm
- Warwickshire County Council (Weights and Measures)

3.7 There are currently no licensable activities taking place at the premises and therefore there is no evidence in relation to licensing which can be detailed in the report.

3.8 A plan of the premises provided by the applicant is attached as appendix 11, a photo of the area is attached as appendix 12 and a map of the area is attached as appendix 13.

#### **4. POLICY FRAMEWORK**

- 4.1 When considering the application the panel must give appropriate weight to:-
- a) The representations received.
  - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
  - c) The Council's Licensing Policy Statement (attached as appendix 14)
  - d) The Licensing Objectives, which are:-
    - i) The Prevention of Crime and Disorder.
    - ii) Public Safety.
    - iii) The Prevention of Public Nuisance.
    - iv) The Protection of Children from Harm.

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

- 4.2 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.3 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

#### **5. BUDGETARY FRAMEWORK**

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

#### **6. RISKS**

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 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.