

 <b>Licensing Panel 9 January 2014</b>		<b>Agenda Item No. 4</b>
<b>Title</b>	Application for the grant of a premises licence under the Licensing Act 2003 for Unit 11, 17 – 19 Livery Street, Regents Court, 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 &amp; Sustainability Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		Michael Coker
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

## 1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for a new premises licence from Turtle Bay Restaurants Limited.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of this application.

## 2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the grant of a premises licence for Unit 11, 17 – 19 Livery Street, Regents Court, Royal Leamington Spa, should be approved and if so, whether it should be subject to any conditions.

## 3. REASONS FOR THE RECOMMENDATION

- 3.1 Turtle Bay Restaurants Limited applied for a premises licence on 13<sup>th</sup> November 2013. The table below shows what has been applied for.

	<b>Supply of Alcohol (on and off the premises)Late Night Refreshment</b>	<b>Opening Hours</b>
<b>Everyday</b>	10:00 to 23:30	10:00 to 23:30

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

### *General*

- 1. Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- 2. The premises supervisor, manager or other competent person shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
- 3. CCTV shall be in use at the premises:
  - i. Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational prior to any licensable activity taking place. Where existing CCTV systems are to be replaced or extended the replacement or extension of the system shall be concluded and the CCTV system shall be fully operational before any licensable activities take place.
  - ii. The CCTV equipment shall be maintained in a good working order and will continually record when licensable activity takes place and for a period of two hours afterwards.
  - iii. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. The image retention period may be reviewed as appropriate by the Licensing Authority.
  - iv. The correct time and date will be generated onto both the recording and the real time image screen.
  - v. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all hours the premises is open to the public.

4. The premises Licence Holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.
5. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving the training. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
6. An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as "Challenge 21" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under the age of 21 years of age. Acceptable proof of age would include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo card driving licence and passport. Publicity materials notifying customers of the operation of the Challenge 21 Scheme shall be displayed at the premises including challenge 21 signs of at least A5 size at the entrance of the premises and where practical at each point of sale.
7. The Premises Licence Holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals' logbook in a bound book which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer on the Licensing Authority or a constable when required.
8. Substantial food available until 60 minutes before close.
9. At any given time a minimum of 75% of the public trading area will be set to tables and chairs.
10. The external seating area to be cleared of customers by 23:00 other than customers smoking
11. No open vessels to be taken outside the curtilage of the premises at any time.
12. Access to the premises by children is not restricted or prohibited save that all children must be accompanied by an adult after 22:00 hours.
13. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming part of the premises.
14. The DPS shall make an ongoing professional assessment as to whether to employ SIA door staff at anytime but such door staff are to be employed in any event from 22:00 hours on the 24<sup>th</sup> and 31<sup>st</sup> December.

3.3 The premises do not currently operate under a premises licence.

3.4. Relevant representations have been received from a Ward Councillor, attached as appendix 1, Royal Leamington Spa Town Council, attached as appendix 2 and a local resident attached as appendix 3.

- 3.5 A representation has been received from Warwickshire Police, however this has been withdrawn following the agreement of the below conditions. These conditions will be added to any licence issued.
1. Outside seating area to be clearly marked with some form of solid barrier system.
  2. Clear legible signs in outside area stating 'No open vessels to be removed outside permitted marked licensable area (marked upon the premises plan).'
  3. Use of outside seating area for consumption of food and drink shall cease at 23:00 hours.
  4. Membership of locally approved retail radio scheme and conform to its policy and procedures.

- 3.6 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

- 3.7 A plan of the premises submitted by the application is attached as appendix 4 and a map of the area of the premises is attached as appendix 5.

- 3.8 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 6)
- d) The Licensing Objectives, which are:-
  - i) The Prevention of Crime and Disorder.
  - ii) Public Safety.
  - iii) The Prevention of Public Nuisance.
  - iv) The Protection of Children from Harm.

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

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

#### 4. **BUDGETARY FRAMEWORK**

- 4.1 Any costs involved in any appeal could be levied against the Licensing Authority.

#### 5. **ALTERNATIVE OPTION(S) CONSIDERED**

- 5.1 No alternatives may be considered

#### 6. **BACKGROUND**

- 6.1 None