

		<b>Licensing Panel</b> <b>31<sup>st</sup> January 2012</b>	<b>Agenda Item No.</b>
<b>Title</b>		Application for a premises licence under the Licensing Act 2003 Signourney Ruth Gowlett	
<b>For further information about this report please contact</b>		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. <a href="mailto:david.davies@warwickdc.gov.uk">david.davies@warwickdc.gov.uk</a>	
<b>Service Area</b>		Community Protection	
<b>Wards of the District directly affected</b>		None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>		No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		N/A	
<b>Background Papers</b>		None	

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

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	13/01/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	13/01/2012	Councillor Coker
<b>Consultation Undertaken</b>		
N/A		
<b>Final Decision?</b>		Yes

## 1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol and provide regulated entertainment and late night refreshment must hold a premises licence.

## 2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report, and decide whether the application for a premises licence should be approved, and, if so, whether it should be subject to any conditions.

## 3. REASONS FOR THE RECOMMENDATION

- 3.1 Signourney Ruth Gowlett has applied for a premises licence for G's Bar, 27 Augusta Place, Leamington Spa to permit the following:

- *The sale of alcohol on the premises*

Sunday to Thursday	10:00 to 00:00 (midnight)
Friday and Saturday	10:00 to 01:00

- *The sale of alcohol off the premises*

10:00 to 23:00 Seven days a week

- *Live Music, Recorded Music, Performance of Dance, anything Similar to the previous; the provision of facilities for making music and dancing, anything similar to making music and dancing (all indoors only)*

Sunday to Thursday	10:00 to 23:00
Friday and Saturday	10:00 to 01:00

- *Late night refreshment*

Sunday to Thursday	23:00 to 00:00 (midnight)
Friday and Saturday	23:00 to 01:00

- *The opening hours are shown as:*

Sunday to Thursday	10:00 to 00:30
Friday and Saturday	10:00 to 01:30

*All above (except alcohol off sales and late night refreshment) to be extended from New Year's Eve until commencement of permitted hours New Year's Day*

- 3.2 An operating schedule, which would explain any steps to be taken by the applicant to promote the four licensing objectives, and will form part of any premises licence granted has been submitted as follows:

## **General**

- The management team shall ensure that is an ongoing training programme for staff covering the licensing objectives including underage drinking, drunkenness, recognising the use of drugs, violent or anti-social behaviour and the need to protect children from harm.

## **The Prevention of Crime and Disorder**

- Use of proof of age scheme shall be used, internal and external lighting shall be checked regularly.
- All door supervisors shall be SIA and badged.
- Door supervisors shall be present every Friday, Saturday and Bank Holidays from 21:00 to close of premises.
- DPS shall make full professional risk assessment on all other evenings as to whether door supervisors are required.
- CCTV shall be installed to the current British Standard BS7958 and includes:
  - Cameras shall cover all public areas with no blind spots
  - Head and facial recognition coverage.
  - Recordable and retained for a minimum of 31 days
  - Images must record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.
  - At least one member of staff should be on duty at all times who is able to operate, access and download the images on request of the Police or Local Authority
- No open vessels shall be removed from the premises on or off licence sales.
- The premises shall maintain membership of the local Pub Watch scheme and conform to its conditions and requirements. This includes obtaining an approved digital radio licence which must be operating when premises is open to the public.
- No punch bag or similar strength machines shall be installed

## **Public Safety**

- First aid training shall be given to a member of staff. The management shall ensure that such a trained person is on duty when the premises is open to the public
- Health and Safety risk assessment shall be carried out regularly.
- A Fire risk assessment shall be carried out weekly.

## **The Prevention of Public Nuisance**

- The premises shall adopt a Zero tolerance to drunken or anti-social behaviour.
- All staff shall be trained to ensure quiet departure of patrons.

- Ventilation shall be maintained to prevent nuisance of odour and noise.
- In the lobby seating area of the premises, between entrance and internal doors, there shall be no more than background music played. This area shall be maintained as a “quiet area”
- Music/amplified voices shall not be intrusive one metre from the facade of any noise sensitive premises or within any adjoining residential premises when regulated entertainment takes place.
- A noise limiter shall be used. It shall be installed to the satisfaction of Environmental Health and must be maintained in good working order.
- Signage shall be erected inside and outside the premises asking patrons to leave quietly.
- Door staff shall be instructed to ask patrons to move away from the front of the premises once they have left the building.
- All windows and doors shall be kept closed at all times except for entry and egress.

### ***The Protection of Children from Harm***

- The premises shall adopt the Challenge 21 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar servery.
- The only ID that will be accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.
- No one under 18 years of age shall be permitted in bar area after 19:00.

### **3.3 Representations received**

Representations against the application have been received from Environmental Health as a Responsible Authority shown as Appendix 1 and Interested Parties shown as Appendices 2 to 16

3.4 The premises previously held a premises licence but this lapsed when the premises licence holder was declared bankrupt. This is, therefore, a new application. *For reference purposes only*, the hours and conditions of the lapsed premises licence are attached as Appendix 17

3.5 **These premises are contained within the Council’s Cumulative Impact Area which is contained within the Licensing Policy adopted by Warwick District Council. This being the case, the burden of proof is with the applicant to show that the application will not impact on the four licensing objectives; it is not for the representors to prove that it will.**

3.6 A plan of the area is shown as Appendix 18

3.7 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 (Appendix 19).
- 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.

3.8 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.

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

#### 4. **ALTERNATIVE OPTION CONSIDERED**

4.1 No alternatives may be considered.

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

5.1 This report has no budgetary considerations for the Council.

#### 6. **POLICY FRAMEWORK**

6.1 None

#### 7. **BACKGROUND**

7.1 None.