



Title	Application for a premises licence issued under the Licensing Act 2003 for HART & CO, 27 Augusta Place, Royal Leamington Spa, CV32 5EL
For further information about this report please contact	Tayyibah Daud, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	22/11/2019	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 premises licence for Hart & Co, 27 Augusta Place, 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 Hart & Co, 27 Augusta Place, Royal Leamington Spa, 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 7)
 - 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 L R Hart Ltd applied for a premises licence for Hart & Co, 27 Augusta Place, Royal Leamington Spa on 17th October 2019.
- 3.2 The licensable hours and activity applied by the applicant are shown in the table below:

Opening Hours	Monday to Thursday from 08:00 to 23:30 Friday and Saturday from 08:00 to 01:30 Sunday from 08:00 to 23:59
The Provision of Films – Indoors Only	Monday to Friday from 12:00 to 22:30 Saturday and Sunday from 08:00 to 23:00
Provision of Indoor Sporting Events	Monday to Thursday from 08:00 to 23:30 Friday and Saturday from 08:00 to 01:30 Sunday from 08:00 to 23:59
Live Music – Indoors only	Monday to Thursday from 12:00 to 23:00 Friday from 12:00 to 01:30 Saturday from 08:00 to 01:30 Sunday from 08:00 to 23:59
Recorded Music – Indoors Only	Monday to Thursday from 08:00 to 23:30 Friday and Saturday from 08:00 to 01:30 Sunday from 08:00 to 23:59
Late Night Refreshment – Indoors Only	Monday to Thursday from 23:00 to 23:30 Friday and Saturday from 23:00 to 01:30 Sunday from 23:00 to 23:59
Supply of alcohol (on and off)	Monday to Thursday from 09:00 to 23:30 Friday from 09:00 to 01:30 Saturday from 08:00 to 01:30 Sunday from 08:00 to 23:59

An operating schedule, which has been submitted by the applicant and will form part of any licence issued is attached as appendix 1.

The applicant has agreed conditions with Trading Standards which are attached as appendix 2.

3.3 The Licensing Department have received objections from the following responsible authorities:

- Warwickshire Police
- Environmental Health

These objections are attached as appendices 3 to 5.

Representations have been received from local residents. These are attached as appendix 6 to 9. The DVD mentioned in appendix 9 will be available for members to view on the day of the panel.

3.4 No representations have been received from:

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

A premises licence issued under the Licensing Act 2003 was in place from 2005 and the premises until 2011 were known as either Kasa, Barcode, Afterlife and then G's Bar. The premises licence lapsed in 2011 due to bankruptcy. Punch Taverns applied for a premises licence at this address in July 2016, this licence is still in place. L R Hart Limited applied for a new premises licence for the same address in July 2017, this was issued August 2017 and is currently in force at the premises, this is attached as appendix 10. However, the current premises licence issued at the premises do not affect Ms Harts ability to apply for a new premises licence.

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.

- 3.5 A plan of the premises provided by the applicant is attached as appendix 11, a map of the area is attached as appendix 12 and photographs of the premises are attached as appendix 13.

A copy of the statement of licensing policy is attached as appendix 14.

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
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> 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	None	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.		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.
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Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting 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.