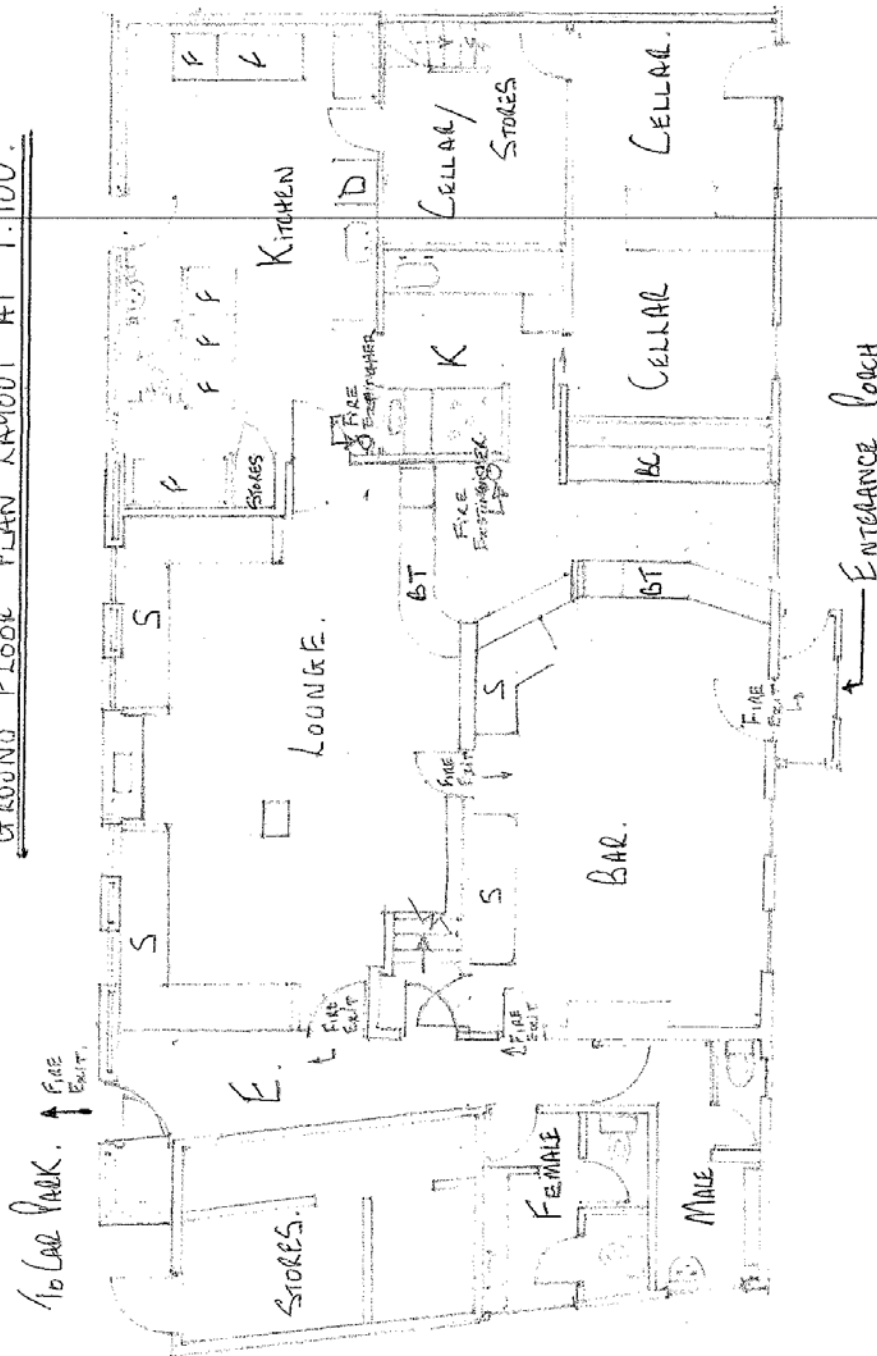
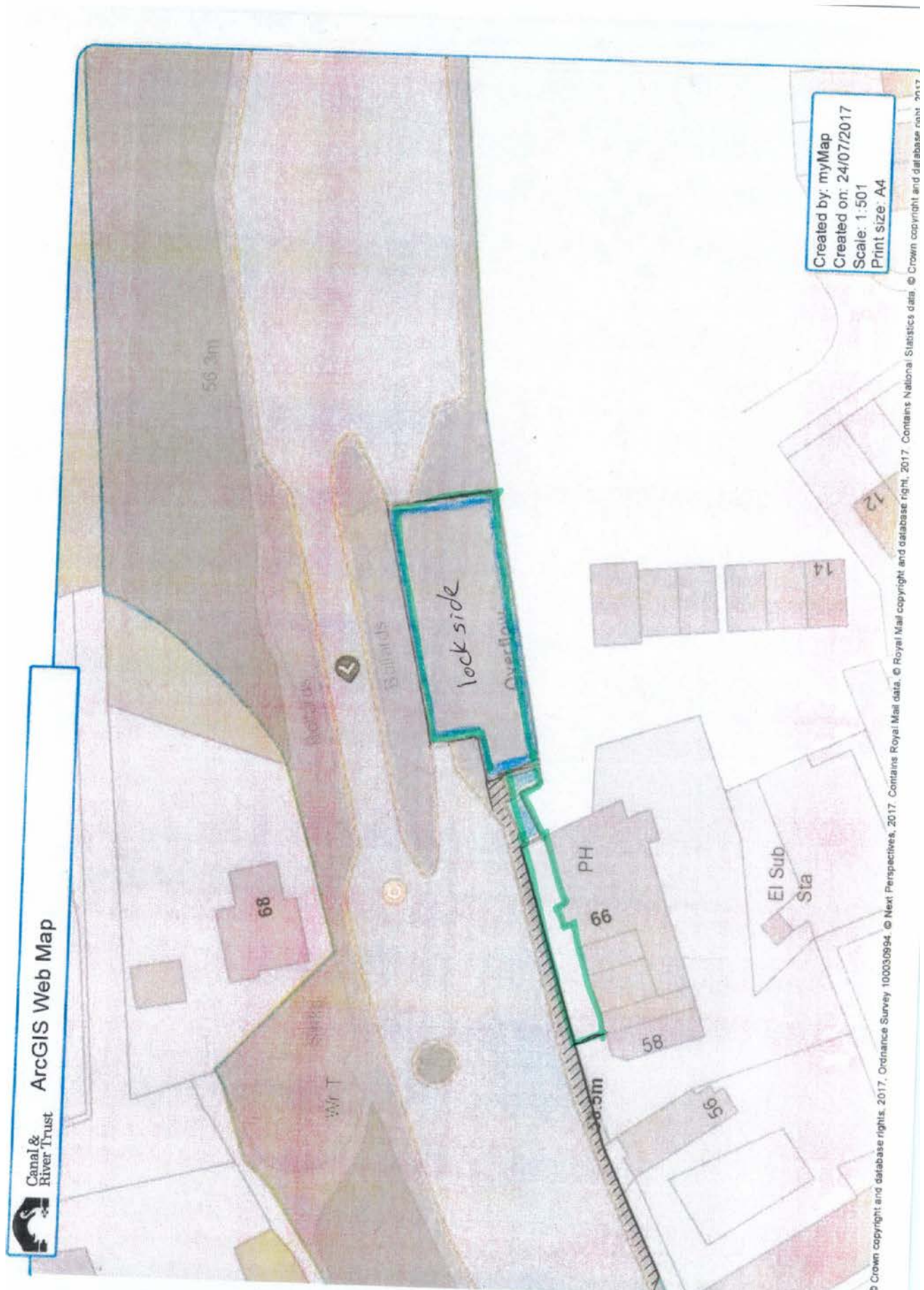


THE CAPE OF GOOD HOPE WARWICK CV345DP.

GROUND FLOOR PLAN LAYOUT AT 1:100.



E = ENTRANCE HALL
BT = BAL TOP.
S = BUILT IN SEATS.
K = KITCHEN.
F = FREEZER / CHILLER.
D = DISHWASHER.
BC = BEER COOLERS
+ BOTTLES.



■ Top Lock Cottage

Lower Cape

Warwick

■

The Licensing Team

Community Protection

Warwick D.C

Riverside House

Milverton Hill

Leamington Spa

CV32 5HZ

Ref. Application number WDCPREM00253

My property, Top Lock Cottage, is the end property terraced with the Cape of Good Hope Pub and 1 other domestic dwelling. This building was built in the early 1800's, as a lock keeper's cottage.

With regards to the proposed application for extended licensed area submitted by the Cape of Good Hope, we wish to raise the following objections and concerns:

Prevention of Public Nuisance:

There is a domestic property between Top Lock Cottage and the Cape of Good Hope. This has recently been bought by the Cape of Good Hope and they are looking to make the frontage of this a licensed area. This would potentially mean the pub's activities and custom to be less than 3 ft from my front window. This is not part of the Cape of Good Hope boundary as it is a domestic dwelling. My concern is that as this a 200 year old cottage – it was not built or designed with any soundproofing and therefore noise generated by customers is clearly heard within my home. This in the past has caused issues late at night whereby contact with the pub has had to be made. By potentially extending up to the boundary of my property can only worsen this noise issue.

By applying to licence the grassed area leased from the CRT will also cause overpopulation in an area where there needs to be clear, unobstructed right of way for the public and access for commercial units. With so many tables and chairs directly outside the Cape of Good Hope combined with a very small footway, this reduces the area in which to walk and increases the risk and likelihood of public falling into the canal. By law (NRSWA), The Highways absolute minimum distance required for

footways is one meter of clear and unobstructed access, which has to accommodate for the disabled. I assume this would be the same requirement. However, this is currently not achieved without walking onto the grass verges, which can also become slippery and dangerous in wet weather. By having the ability to add more tables and chairs to the licensed area will increase this risk to the public.


The noise level generated by the subsequent overcrowding of the immediate vicinity in front of the pub, is undoubtedly going to create additional noise. Top Lock Cottage is immediately adjacent to this potential extended licensed area. This is the concern as mentioned earlier that this is a 200 year old property not built or designed to withstand this level of noise and vibration. The pub should not, and cannot, feel as though it is coming into my home. In the past, when live music is played inside the pub, this can still be clearly heard in Top Lock Cottage which is a nuisance. By moving this outside with the potential capability to now use outside speakers will only worsen the issue as the noise does not have to go through another property to get to mine. It is concerning that there is no mitigating detail in the application on how the pub will monitor and manage excess noise in these areas to support their neighbours.

There is also concern in the application regarding the conflicting information on shutdown times. One section speaks of a 21:30 shutdown for The Green when another refers to a 23:00 clearance of the pub frontage area. The concern arises that if this is to be correct, patrons of the pub will be instructed to move from the green area either into the pub, or more likely to disperse closer to my property until 23:00. Thus increasing noise levels around my property from 21:30 until 23:00.

As the governing body for this licensing application, I hope the above points will be carefully taken into consideration as we do not want to be negatively affected by the pub's activities.

Kind regards,

Tom Henstone

Licensing Act 2003 Representation Form	
Section 1 - Application Details	
I object to the following Application:	
Applicant's name (if known): <i>MR STEPHEN JURY</i>	
Premises name and address: <i>CAPE OF GOOD HOPE 66 LOWER CAPE, THE CAPE WARWICK WARWICKSHIRE CV34 5DP</i>	
Application for a	Premises Licence..... <input type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input checked="" type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application Number	<i>WDCPREM 00253</i>

Section 2 - Objector details	
Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	<i>SOUTHOORN</i>
First name(s)	<i>CHRISTOPHER & SUSAN .</i>
Address (incl postcode): <i>LOCK COTTAGE [REDACTED] LOWER CAPE WARWICK WARWICKSHIRE [REDACTED]</i>	

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

<p>This is because</p>

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
<p>Please state nature of representation:</p>	

Section - Objection Details	
<p>My objection is relevant to the following licensing objective:</p> <p><i>You can tick more than one box</i></p>	<p><input type="checkbox"/> Prevention of crime and disorder.</p> <p><input checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>

<input checked="" type="checkbox"/>	I object to the application being granted at all
<input type="checkbox"/>	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)

<p>Our objection is based on the following:</p> <p>You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.</p> <p>Please attach supporting documents / further pages as necessary - Please number all extra pages — <i>licensing representation.</i></p> <p><i>See Attached: CAPE LICENCE WDCPREM 00253</i></p> <p><i>Pages 1 - 2.</i></p> <p><i>Appendix 1: Response to Cape of Good Hope 13.10.2014.</i></p> <p><i>Appendix 2 Email to Licensing@warwickdc.gov.uk. 19.07.2017.</i></p> <p><i>Appendices 3, 4, 5. Photographs sent by email.</i></p>
<p>Signature</p> <p>Date.....<i>28/08/2017</i></p>

licensing representation

LICENSING ACT 2003

I object to the following Application

WDCPREM00253

Applicants: Mr Stephen Jury

Cape of Good Hope, 66 Lower Cape, The Cape, Warwick CV34 5DP

Objector details: Mr Christopher Southorn, Mrs Susan Southorn.

Lock Cottage, [REDACTED] Lower Cape, Warwick [REDACTED]

Our objection is relevant to the following licensing objective: Prevention of public nuisance.

I object to the application being granted.

Lock Cottage is across the canal directly opposite the Cape of Good Hope.

With regard to the above application, we wish to make representation raising the following objections and concerns:

a) Prevention Of Public Nuisance

By applying to licence the grassed area to the side of the public house, leased from the CRT and the immediate exterior of the Cape of Good Hope public house, the application represents a significant increase in the size of the existing licensed premises in what is regarded as a semi rural setting.

The potential noise level of people using the immediate vicinity in front of the public house, with the increased furniture is likely to create additional noise -the sound of which carries across the waters of the canal. Since water has an amplifying effect, sounds reaches our property at levels not perceivable alongside the source. Should the 23:00 clearance fail to take place, voices do not have to be raised to sound as if just below our bedroom window. Opening these on warm evenings renders sleeping difficult, keeping them closed makes it uncomfortable. Our visitors have commented on the noise levels, particularly on hot summer nights, when windows are open, both in our house and the pub.

Under the heading GENERAL, of this Application it reads:

"Staff training , manager on duty checking the CCTV camera and floor staff will be checking area every 10 minutes. Volume will be strictly monitored and regulated as to not cause annoyance or disturbance".

We are concerned as to what the " volume " refers to, and how staff monitoring a CCTV camera and/or checking the area every 10 minutes, will regulate this. Is the CCTV camera to have sound and how are staff to regulate this so as not to cause annoyance or disturbance? Does this refer to the volume of music, juke box, customers talking in the public house, the lockside green, or the pub frontage? Or all three?

We have in the past and recently, experienced annoyance and disturbance and intrusion and are concerned as to what might occur in the future if the extended licence premises application is granted.

licensing representation

On Sunday, 16th and 23rd July, live amplified music was performed outside the pub on one of the areas subject to this application. The first session started around 17:00 and finished at 20:00, the second didn't finish until just after 21:00 and culminated in a raucous karaoke session. These rendered the use of our garden impossible and was intrusively audible indoors requiring the TV volume to be turned up.

We sought advice (e.mail attached). The outside sessions ceased before we lodged a complaint.

We are concerned that extension of licence will enable legitimate continuation of amplified music and the resurgence of this nuisance due to deregulation.

Questions also arise as to the noise level of potential music able to be played through outside speakers with which we have had problems in the past. We attach a copy of a letter in reply to correspondence from Mr & Mrs Jury in October 2014. We understand that the speaker should not have been situated externally and it was eventually removed. Our concern is that the extension of licensed premises would make it possible to re-instate speakers legitimately under deregulation.

Under the Heading PREVENTION OF CRIME AND DISORDER, of this application it reads:

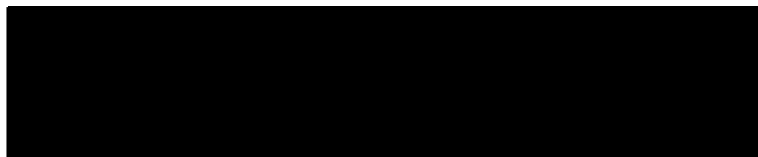
"We have already installed CCTV cameras to keep an eye on customers as they use that area already on their own back...and customers walk down there all the time with their food and drink".

This has been facilitated as the pub has had tables and benches there for the past three years. New table and benches have been in situ this summer with signs that they are for use of pub customers only. We have not experienced any excessive noise from this area in the past when the area has been used by local factory workers, ramblers and cyclists. We are concerned about how it is planned to prevent customers taking advantage of The Green after 21:30.

We fail to see how the installation of CCTV cameras and the monitoring of the area? on a ten minute basis will serve to reduce noise, trouble or other factors as required to be upheld in the terms of the lease as, apart from a few occasions on hot summer evenings, there has been little disruption from within the grassed area. More noise emanates from the area fronting the pub.

Whilst not the subject of this application, under "Regulated Entertainment", live music is no longer licensable (deregulation). As live and amplified music has been a noise nuisance in the past, we are concerned that by granting the application to vary an existing premises licence, it will be again in the future.

Signed



Date

appendices 1, 2, 3, 4, 5 -

Appendix 1
WDCPREM
00253

Lock Cottage
Monday

13.10.14

Dear Steve and Emma

Thank you for your letter and apology for last Tuesday's disturbance. We are pleased to hear that you propose to fit an "off" switch to your p.a. and are keen to minimise your impact.

Unfortunately, the quiz was merely the latest episode in our issue with external pub noise, which we invited discussion about earlier in the summer. The unwelcome intrusion of music from (one of) your external speakers, which is frequently audible in our house and garden, is the root of the problem.

The speakers are on irrespective of whether there are customers outside the pub or not. Yesterday, we could hear the music in our house from 12.20pm until the time we rang three hours later, and whenever we looked there was nobody sitting outside at the tables on the towpath.

Since the music is audible at a variety of times you are open, it isn't really addressed by the establishment of a 9:30p.m watershed. That could in effect give us one or two hours of quiet time a day!

With a few exceptions, e.g when noise has been continuing well after midnight/ one am, we have never had a major problem with hearing the voices of pub customers – seeing it as a sign that things are going well, and people are enjoying the atmosphere of the area – (even given that outside activity should cease at 11pm).

Our patience, however, is limited, and we don't want this situation glossed over as part and parcel of living opposite a pub. We have lived here happily for twelve years.

As you say, you are in a similar situation where you live in New Zealand, and I'm sure would not be happy with invasive noise in your house and garden either.

Given that you are keen to expand/diversify it would be helpful to find a solution to this problem now. Perhaps the disconnection of the offending speaker, the one to the left of the entrance, as we are looking at the pub, would provide a solution; or you might have other possibilities to suggest?

We look forward to working with you to resolve this situation and are happy to have chat with you at any convenient time.

Regards

From: chris southorn
Sent: 25 July 2017 12:21
To: Emma Dudgeon
Subject: Re: Cape of Good Hope

Hello Emma,

Thanks for your prompt attention to my previous e.mail. I can confirm that the music was outside on these two occasions and therefor will continue to be so weather permitting.

I trust you will be able deal with this. Please let me know if you need further details

Regards

Chris Southorn

ps If the music were to be taken inside but windows remain open, what would be the licensing position?

From: Emma Dudgeon <Emma.Dudgeon@warwickdc.gov.uk>
Sent: 25 July 2017 10:57
To: '
Subject: RE: Cape of Good Hope

Good Morning,

Thank you for your email below and the email we received on 19 July 2017.

Please could you confirm if the music is being played inside or outside of the premises. If the music is being played outside the premises this should be something that Licensing are able to deal with, however, given the times if this inside the premises then I will need to pass this to our Environmental Health Department who may take action in relation to noise nuisance.

Kind regards

Emma

Emma Dudgeon
Licensing Enforcement Officer

Health & Community Protection | Warwick District Council | Riverside House | Milverton Hill | Royal Leamington Spa | CV32 5HZ | 01926 456113

Emma.dudgeon@warwickdc.gov.uk | www.warwickdc.gov.uk

Please don't print this email unless you really need to.

From: chris southorn
Sent: 23 July 2017 20:12
To: Licensing
Subject: Cape of Good Hope

Another session of outside live music continuing past 8:00 clearly audible in our house. We see from the pub's publicity that this is intended to be a regular weekly fixture. This is intrusive!
Chris Southorn







FREE HOUSE

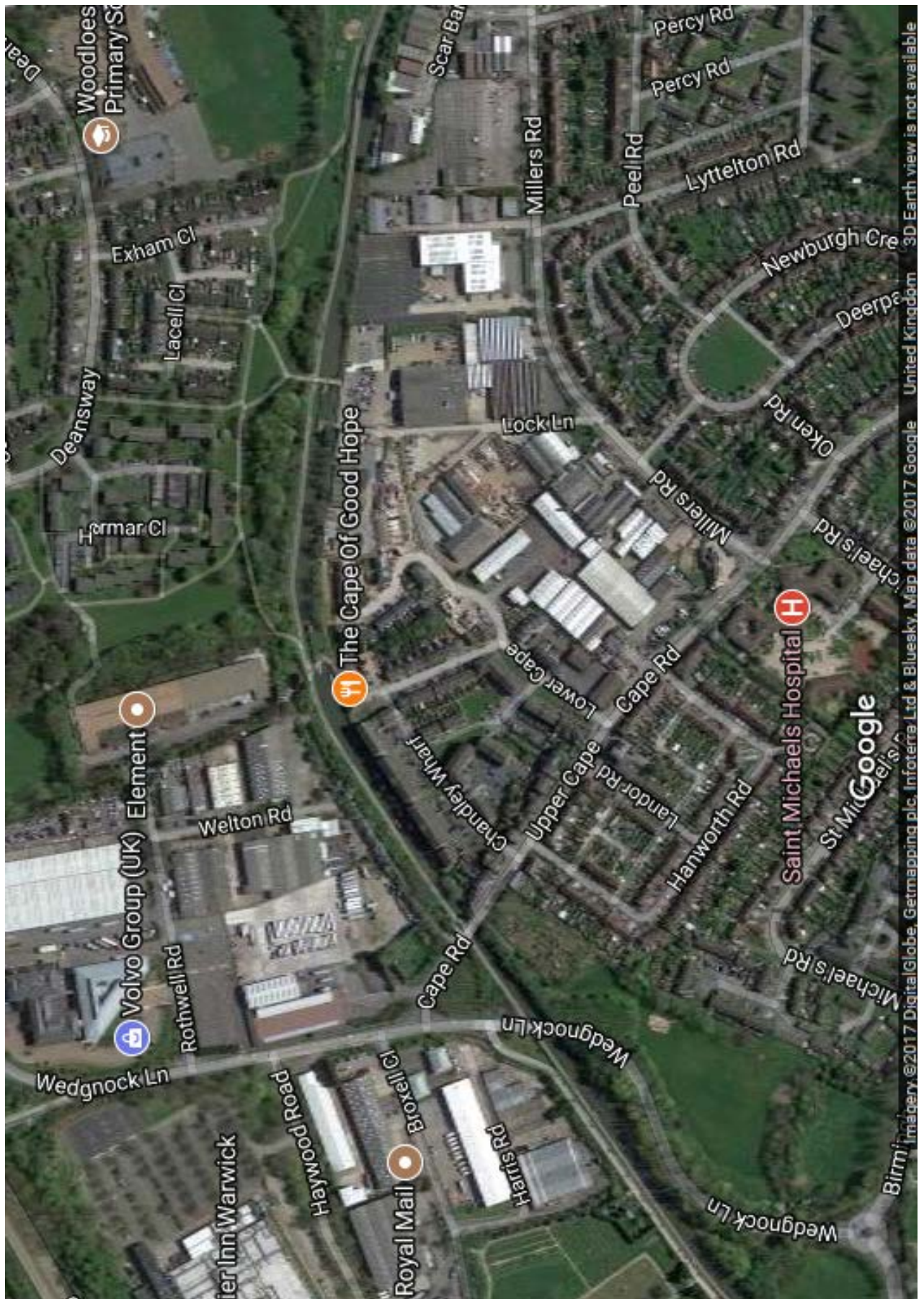
The Cape
of Good Hope
Warwick

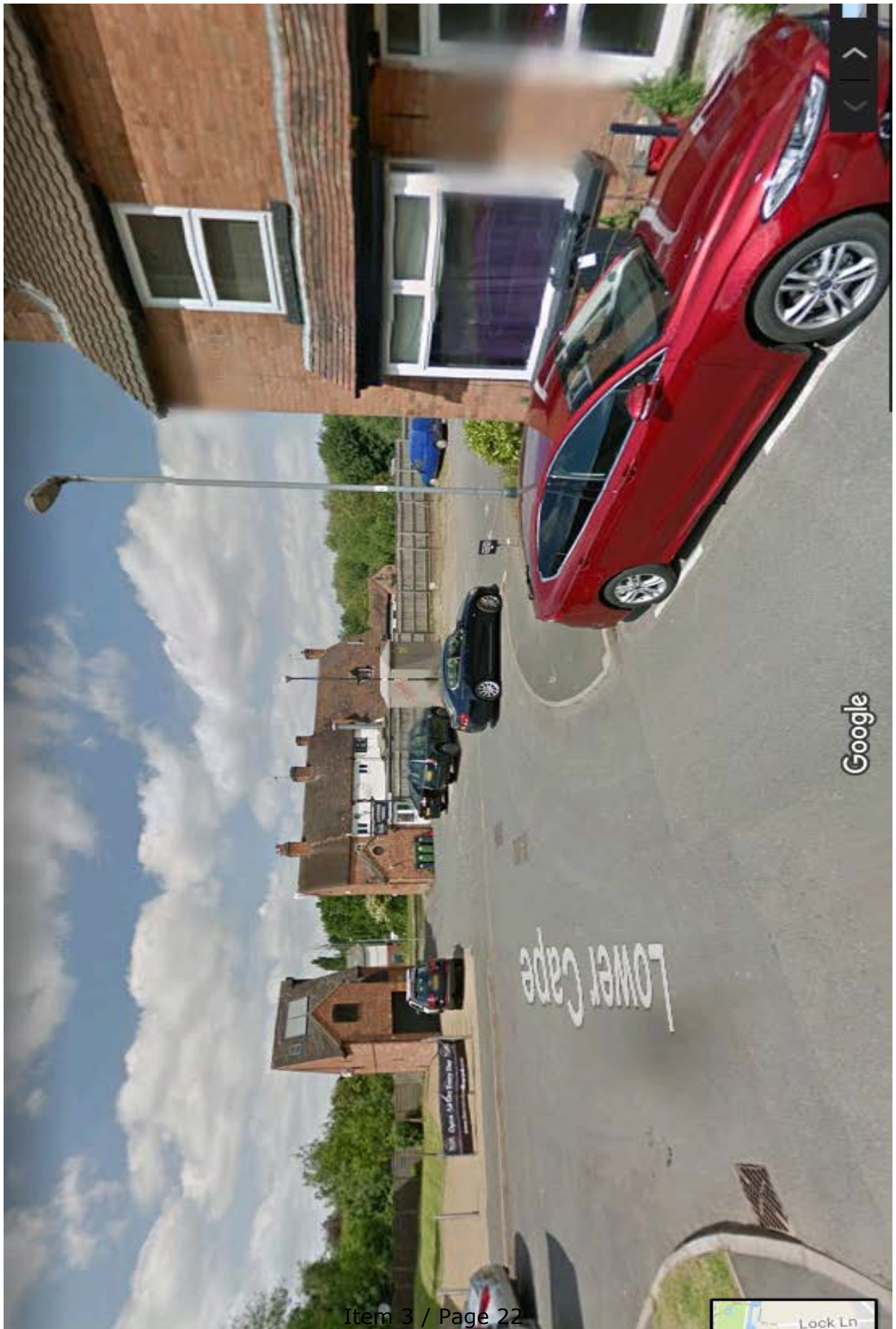
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TRADITIONAL PUB FISH & CHIPS
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Kitchen Open 12 - 9:15pm
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Live Music Nights · BT Sports
Take Aways Available · Ice Cream, Coffee, Beer,
Burgers, Fish n' Chips & more...

Handcrafted beers
from the Cotswold Hills
since 1849

HOOKY
OLD HOOKY
LION











STATEMENT OF LICENSING POLICY

**Reviewed May 2014 &
Approved by Warwick District Council on 25 June 2014**

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1. Summary and purpose

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and the guidance issued under Section 182 of the Act.
- 1.2 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 138,000 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.
- 1.3 The policy will relate 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.
- 1.4 The aim of this Policy is to demonstrate how WDC, will promote the four licensing objectives. These objectives are:
- prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and
 - protection of children from harm.

WDC recognises that the promotion of the Licensing Objectives relies heavily on a partnership between license holders, authorised persons, responsible authorities and other persons in pursuit of common aims.

- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- 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.
- 1.6 This Statement provides guidance to Responsible Authorities, applicants for and holders of premises licences, objectors and residents on the general approach that the Licensing Authority will implement through its Licensing Committee
- 1.7 When making its decisions on licensing applications, the Licensing Authority will have regard to the matters contained in this Statement, the Act, the guidance issued under section 182 of the Act, the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions), and the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.
- 1.8 This Statement covers the period up to 30th August 2018 and will be kept under review and revised as required, following consultation where necessary.

2. Licensing Policy & South Warwickshire Community Safety Partnership

- 2.1 The 1998 Crime and Disorder Act and subsequent amendments require the Police and local authorities to work together and with others to reduce crime and disorder. To this end, Crime & Disorder Reduction Partnerships were formed and are now called Community Safety Partnerships.
- 2.2 South Warwickshire Community Safety Partnership (SWCSP) was formed in September 2008 when the district crime and disorder partnerships for Stratford & Warwick districts merged following years of close collaboration. The vision statement for SWCSP is *‘that the districts should be an attractive, environmentally sustainable, desirable area to live in, work and visit, with a sense of safety which reflects the low risk of becoming a victim of crime in the area’*.
- 2.3 Tackling violent crime has remained a priority in Warwick District since 1998 with Leamington Town Centre as the main focus of partnership activity. Tackling violent crime and specifically street violent crime is one of three SWCSP priorities. A 60 point partnership action plan is in place to reduce violent crime and rowdy behaviour in our town centres.
- 2.4 The policy of working with licensees in South Warwickshire has delivered national best performance and practice.
- 2.5 The age group most likely to be victims and perpetrators of violent crime is 18-30. A key initiative to engage with this group is Operation ‘Your Town, Your Choice’ which takes place on pay-day weekends in hot-spots at the busiest times of 9pm to 4am. An early intervention approach is used utilising direct to leave dispersal authorities together with designated public places powers and has a real impact on reducing violence and rowdy behaviour.
- 2.6 This best example of partnership working across all agencies in South Warwickshire illustrates the commitment to tackling on-street violent crime. In addition enhanced policing, Street Marshals, Street Pastors and CCTV control rooms support this approach.
- 2.7 Joint Licensing Enforcement visits are a key feature of these evenings ensuring that licensees are taking their responsibilities seriously. Engagement with 18 to 30 year olds is carried out on roads closed to traffic. Health related activities are offered in exchange for completing questionnaires on particular themes, for example, pre-loading. Results from these activities and questionnaires inform how and when the hot-spots are staffed and how young people can be assisted in having an enjoyable and safe night. A unique partnership pilot with St John Ambulance Service has provided a care and repair service on busy nights in Leamington called ‘The Cabin’ and staffed by up to 10 volunteers.
- 2.8 A further developing part of this approach is the Street Pastor Scheme introduced in 2013. The scheme provides a vital service, and integrates well into the overall multi-agency approach adopted. Further information about Street Pastors may be obtained on their website at www.leamingtonspa.streetpastors.org.uk

3 Delegation of Functions for Regulatory Matters

- 3.1 The Council has established a Licensing Committee with delegated powers to deal with licensing matters
- 3.2 The Licensing Committee has delegated the decision making to Licensing Panels when a hearing is required. These Panels are sub-committees consisting of three members of the full Committee. All other matters that do not require hearings have, upon Home Office advice, been delegated to officers.

4 Further Strategies

- 4.1 WDC has adopted the following strategies that it feels will help it to achieve its desired goals:
- It will work together with all partners as well as local businesses and residents to try to achieve an acceptable level of harmonisation between the two, accepting that this may not always be possible.
 - It accepts that an active and successful Crime and Disorder Partnership is one of the key factors in achieving its desired goals.
 - It recognises the importance of working with other agencies and holds and organises a Multi- Agency Licensing Group on a regular basis to discuss any problems that may arise within its district.
 - The value of action plans as a method of obtaining compliance from premises is recognised and used whenever they become necessary.
 - An Enforcement Policy which incorporates the Regulator's Compliance Code has been adopted. Both of these may be found on WDC's website,
 - In recognising the need to minimise late night noise nuisance, WDC would expect that after 23.00 all persons outside the premises would move indoors, and that any sound, amplified or unamplified, from within the premises should not disturb residents in neighbouring domestic properties. However, any conditions added to the premises licence to achieve this aim will be proportionate, enforceable and relevant to that particular premise.
 - WDC has adopted a special policy addressing the cumulative impact of the number of licensed premises in Leamington Spa Town Centre. Full information on this policy may be found at paragraph 10 below.

5. The four Licensing Objectives

5.1 Prevention of Crime and Disorder

- 5.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions, and to do all it reasonably can to prevent crime and disorder in the District.
- 5.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

- 5.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for high levels of disorder that this type of premises may cause to the night time environment.
- 5.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. 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.
- 5.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:–
- planning controls;
 - enforcement of Environmental Protection legislation (e.g. on noise nuisance);
 - positive measures to provide a safer and clean town centre;
 - environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
 - powers to designate parts of the District as restricted alcohol areas
 - police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - confiscation of alcohol from adults and others in designated areas;
 - all current police and local authority powers of closure in force at the time
 - the power of police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

5.2 Public safety

- 5.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.3 Prevention of public nuisance

- 5.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. The conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
 - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and

- consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

5.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all patrons of a licensed premises will move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

5.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were still being achieved.

5.3.4 The Licensing Authority expects that premises should usually be closed within half an hour of the end of the last licensable activity.

5.3.5 The Live Music Act 2012 removed live music from the scope of the Licensing Authority, subject to the satisfaction of certain criteria, so it is recognised that its controls in this respect have been reduced. However, conditions may be added or reinstated at a review hearing which will bring live music for that particular premises into the licensing regime. This means that it would be within the licensing Authority's powers, at a review hearing, to place a condition on the premises licence prohibiting the playing of live music at any time. This may arise, for example, if the premises is not suitable for the live music being played; or if frequent disturbance is being caused by the music.

5.4 Prevention of Harm to Children

5.4.1 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. However, this authority does not consider that children should be encouraged to mix in areas that are frequented by the adult drinking public, such as busy town centres. For this reason, birthday parties, etc., for the 18 and under demographic will be actively discouraged in these area.

5.4.2 Areas that may give rise to particular concern in respect of children include premises:

- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises;
- Where entertainment of an adult or sexual nature may be provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

5.4.3 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- Limitations on the hours when children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;

- Requirements for an accompanying adult;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.4.4 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

5.4.5 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

5.4.6 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

5.4.7 The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children. Such conditions will be appropriate to the premises and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.4.8 The Licensing Authority expects all premises to comply with statutory conditions requiring that a policy must be adopted, laying out how they will address underage drinking. This must be shown in the operating schedule of any premises licence application or variation.

NOTE: In the event of any variation submitted to remove any conditions where a hearing is necessary, evidence would be expected to be submitted to the Licensing Panel by the applicant that the change would not impact on the licensing objectives

5.5 Health

5.5.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.

5.5.1 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

5.6 The Licensing Authority as a Responsible Authority

- 5.6.1 The Licensing Authority are empowered to make representations against new applications for and variations applications to premises licences, as well as call for a review.
- 5.6.2 A procedure has been put into place to ensure that any representation made by the Licensing Authority as a Responsible Authority will be made without prejudicing its ability to determine the application in a fair and objective manner.

6. Other Considerations

6.1 Live Music, Dancing & Theatre

- 6.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance to residents will try to be balanced with the wider cultural benefits to the wider population.

6.2 Integration of Strategies

- 6.2.1 The Licensing Authority will secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:
- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
 - Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.
- 6.2.2 Specific conditions may be attached to premises licences, where appropriate, to reflect local crime prevention strategies. Such conditions may include
- the correct use of well installed closed circuit television cameras;
 - the provision and use of shatterproof drinking receptacles;
 - a drugs and weapons search policy;
 - the use of ID scanners
 - the use of registered door supervisors;
 - specialised lighting requirements;
 - restrictions on hours of opening and licensable activities.
- 6.2.3 Certificates issued to club premises will reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

7 Other regulatory regimes

- 7.1 This policy will avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

7.2 Health and Safety

- 7.2.1 Premises will normally have been visited by the Council's Health and Community Protection inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions that duplicate statutory H&S requirements.

7.3 Fire Safety

- 7.3.1 Premises and their operators will have statutory duties under the current fire safety regime to ensure the safety of patrons visiting the premises. The operating schedule should state the precautions that will be taken to ensure the safety of the public.

7.4 Food Hygiene

- 7.4.1 Premises selling alcohol and/or premises engaged in a food business must be registered with WDC and subject to risk-based food hygiene inspections at regular intervals. The inspections are carried out by the council's Health and Community Protection officers.

7.5 Noise

- 7.5.1 Statutory and public nuisances are dealt with by the Council's Health and Community Safety Section under the Environmental Protection Act 1990 and associated legislation.

7.6 Planning

- 7.6.1 Premises that apply for a licence or a variation of a licence should be aware that they may also need planning permission to carry out the activities applied for.

8 Standard Conditions

- 8.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences will be tailored to the individual styles and characteristics of the premises and events concerned and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

9 Enforcement

- 9.1 Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Licensing Group.

10 Special Policy Regarding Cumulative Impact

- 10.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 10.2 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. When adopting the special policy reference to the steps outlined in the relevant part of the guidance issued under section 182 of the Act.
- 10.3 The Licensing Authority formed two saturation zones, based on information supplied in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 10.4 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. Properties on both sides of any road which borders the zone are deemed to be included within the zone. A plan of the zone may be found at the end of this policy as Appendix 1.
- 10.5 It is considered that the cumulative impact of further new licences in 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.
- 10.6 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.
- 10.7 The Licensing Authority will not operate a quota of any description including the special policy, that would pre determine 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.
- 10.8 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, the steps to be taken to prevent problems of nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives**

10.9 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.

10.10 The policy will be subject to review.

11 Responsible Authorities

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

11.2 Responsible Authorities are able to make representations regarding new or variation applications for premises licences and also to seek a review of a current premises licence.

11.3 Representations will only be relevant if they relate to one or more of the licensing objectives referred to in paragraph 5.

12. Early Morning Restriction Orders (EMROs) and Late Night Levy (LNL)

12.1 Following a report from officers, Warwick District Council's Licensing Committee recommended to full Council that it was felt, at the current time, the application of a LNL or EMROs was not appropriate for the council's area.

12.2 The Licensing Committee's recommendation was accepted by full Council during 2013.

12.3 However this Council, in March 2014, has requested officers to review the situation subsequent to Central Government's current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District.

13 Restricted Drinking Zone

13.1 The Criminal Justice and Police Act 2001 includes a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The act gives local authorities the power to designate areas 'Restricted Drinking Zones' where it will become an offence for any person to drink alcohol after being requested not to do so by a police officer.

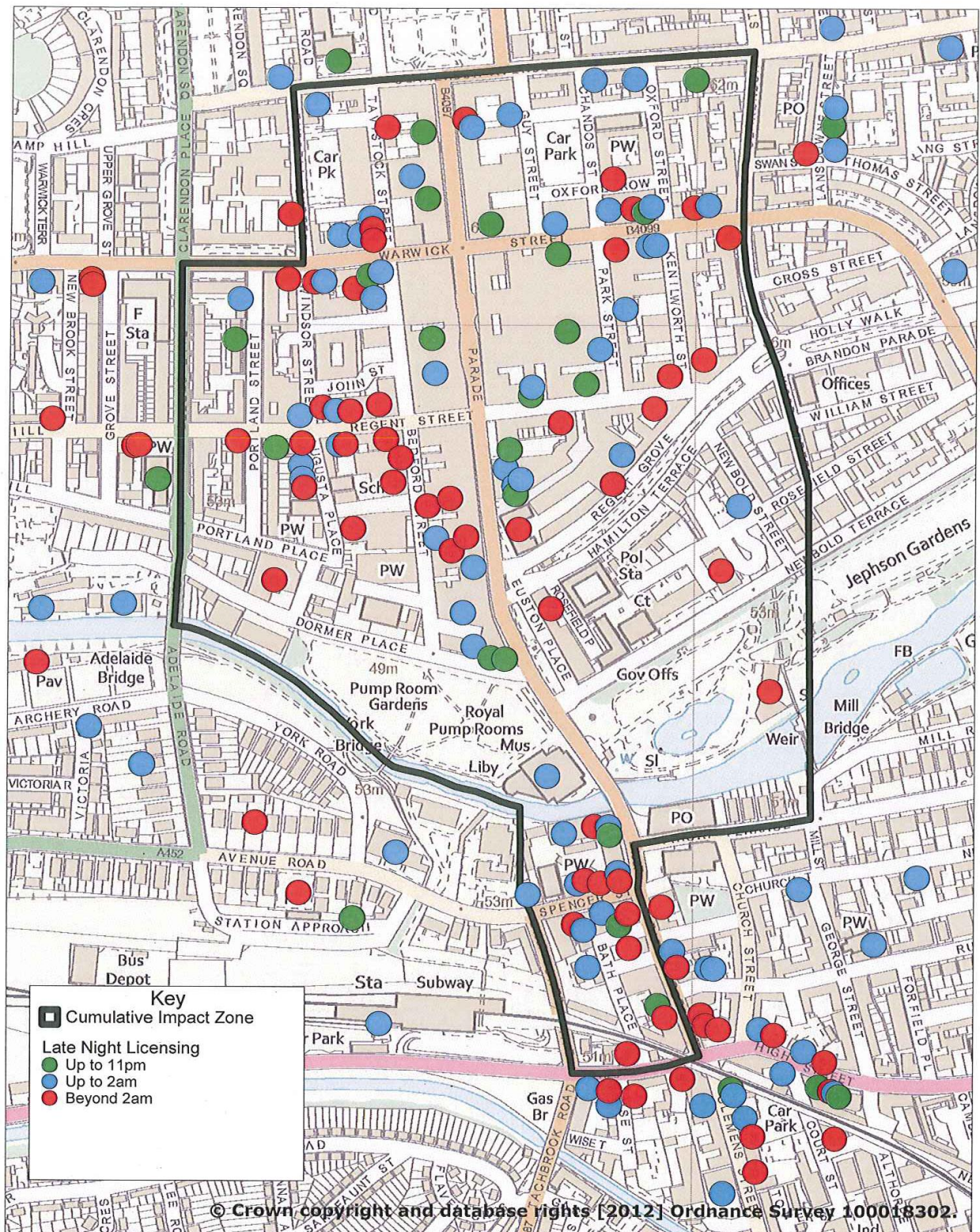
13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.

13.2 This means that, anywhere in the district, it is an arrestable offence to fail, without reasonable excuse, to comply with a police officer's request to cease drinking alcohol. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession.

14 Further Information

- 14.1 The Licensing Authority has produced guidance documents for applicants.
- 14.2 The Council's Health and Community Protection Section offers advice on the process for, and, progress of, applications and as to whether particular activities need to be licensed. If detailed advice on the requirements of the legislation and how it affects you and your premises is required, independent legal advice should be sought.
- 14.3 The granting of a licence under the Licensing Act 2003 does not obviate the need for permissions or consents required under other legislation.

Appendix 1 – Cumulative Impact Zone (current for 2013)



Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410



Appendix 2 – 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 684033

Fax: 01926 684038

Email: Liquor.Licensing@warwickshire.pnn.police.uk

FIRE AUTHORITY:

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

Tel: 01926 423231

E.Mail: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCY 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

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Environmental Sustainability 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:

Safer Communities Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill

Royal Leamington Spa
CV32 5HZ

Tel:
Email:

AUTHORITY RESPONSIBLE FOR PLANNING:

Gary Fisher
Group Leader Development Control
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:

Keith Edwards
Assistant Head of Service
Planning and Performance Children
Young People and Families Directorate
Saltisford Office Park,
Ansell Way
Warwick
CV34 4UL

Tel: 01926 731139
Email: sslicensingapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Simon Coupe
Divisional Trading Standards Officer
Old Budbrooke Road
Warwick
CV35 7DP

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

PUBLIC HEALTH ENGLAND:

Public Health Department (Licensing)
NHSWarwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email:
PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk