

### Operating Schedule

#### General

Hart + co is a very friendly family run restaurant and cocktail bar situated in Augusta place which is Now over a year old. We have a loyal following of guests who utilise our space for community networking groups, family Dinners, special occasions and much more. We have created a warm, relaxed family friendly Atmosphere. Our management team is well trained and experienced and have a sound training Programme to ensure all staff are briefed on the licensing objectives of the premises. The proposed DPS for the premises understands the responsibilities associated with all four of the licensing objectives and will take steps to ensure the objectives are met.

#### The Prevention of Crime and Disorder

1. CCTV is installed and the premises license holder ensures that cctv cameras are located within the Premises to cover all public areas. The system records clear images permitting the identification of individuals. The cctv system is able to capture a minimum of 12 frames per second and all recorded Footage is securely retained for a minimum of 28 days. The cctv system operates at all times while the Premises are open for licensable activities. The cctv system is fitted with security functions to prevent recordings being tampered with, i.e. Password protected. Downloads will be provided to the police upon reasonable request in line with the data protection agency.
2. Clear signage throughout the property inside and out to ensure people know cctv is installed.
3. The company will remain an active member of pub watch.
4. A noise limiter is in place and used to the satisfaction of the environmental agency.
5. Staff training will be conducted to ensure we do our utmost to prevent crime
6. Daily security briefings will be conducted between all team members to ensure that we are staying alert and aware.
7. All staff to undertake a drug awareness course.
8. No persons to enter the premises where they are believed to be drunk or in the possession of drugs.
9. No supply of alcohol if there is no designated premises supervisor or personal license holder.
10. door supervisors employed on Friday and Saturday evenings as well as on 'special occasions' such as New year's eve.
11. There will be a form of capacity management
12. No glass vessels outdoors
13. Toilet areas supervised
14. Intoxicated people will not be served or allowed onto the premises
15. Locked storage area for alcohol

#### Public Safety

1. At least one first aid trained member of staff in the property during opening hours
2. All staff to be trained in first safety and fire drills to be carried out monthly
3. Fire alarm to be tested weekly to ensure it is in good working order
4. Entry to guests who are intoxicated will be prohibited
5. Internal and external lighting to be installed to enhance public safety
6. Emergency lighting installed
7. Glass collection policy in place
8. Electric, gas, fire and relevant equipment checks to be maintained

9. Risk assessments carried out and maintained
10. First aid boxes will be kept on site to a legal standard
11. Accident book to be kept, utilised and reviewed
12. Written [policy in place on how to deal with accidents and emergencies
13. Public liability insurance must be maintained
14. Discourage drink driving by displaying posters around the site using drink aware campaign materials

#### **The prevention of public nuisance**

1. Restrict the use of external areas after 9.30pm
2. Display prominent exit notices
3. Provide a free taxi phone service and indoor waiting area
4. Door supervisors at the weekends
5. Noise policy
6. Contact telephone number given to residents in immediate vicinity
7. Deliveries restricted to normal working hours
8. All regulated entertainment that is permitted will take place inside the premises
9. The dps will implement a 30 minute drinking up time to allow appropriate dispersal of customers
10. All windows kept closed after 9.30pm
11. Thirty minutes before closing music style to change to a slower tempo and quieter style as part of the rundown procedure
12. Management must arrange for the front of the premises to be cleaned for the purpose of removing litter every morning and every evening
13. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect. The needs of local residents and to leave the premises and area quietly
14. No open vessels shall be taken outside the premises at any time
15. The dps shall ensure that any patrons using the outside areas do so in an orderly manner and are Supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
16. The premises licence holder shall ensure that any patrons using the outside areas do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of The public highway
17. The licence holder shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the Level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.

#### **The protection of children from Harm**

1. The DPS must ensure that the supply of alcohol at the premises is carried on in accordance with the Age verification policy.
2. Those customers who appear to the responsible person to be under 25 years of age to produce on Request, before being served alcohol, identification bearing their photograph, date of birth and either
  - (a) a holographic mark, or,
  - (b) an ultraviolet feature
3. Access to the premises by persons under the age of 18 years is strictly allowed for those who are Dining only and no person under 18 years may remain on the premises after 10pm
4. Posters to be displayed on the premises promoting a strict no id no sale rule
5. Refusals book to be updated and stored behind the bar and reviewed by managers at the end of each shift

**Conditions agreed with Warwickshire Trading Standards**

1. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits).
2. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.

## Licensing Act 2003

## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	PS 645 Paul Calver
Job title	Harm reduction Sgt
Postal and email address	Leamington Police Station, Newbold Terrace, Leamington Spa
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Hart & Co
Address of the premises you are making a representation about	27 Augusta Place, Leamington Spa

Which of the four licensing Objectives does your representation relate to?	Yes Or No	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	<p>Warwickshire Police have considered this application and would make representations in respect of it.</p> <p>The premises is located in the existing area of the Council Special Policy of Cumulative Impact Area. There is a long history to the premises, not all under the current applicant, but there have been a number of hearings and reviews of the premises over the last 10 years.</p> <p>With current owners there have been 2 previous applications, where the premises has initially been opened as a restaurant with strict restaurant conditions around August 2017, which were then relaxed slightly under the further application in Sept 2018. This further application is now to remove all conditions relating to restaurant and turning the venue effectively into a late night venue with extended hours.</p> <p>This would in our opinion increased the risks of crime and disorder and anti-social behaviour in the area, it would also take the venue back to similar operations prior to 2017 when there were numerous problems in the area and regular complaints from local residents. Whilst Warwickshire Police accept that the issues were when under different owners and management, there are still real concerns that it would re-emerge in some form.</p> <p>We also have some concerns about the operating schedule of the application in areas that are inconsistent, not clear, unenforceable or not specific. For example :-</p> <ul style="list-style-type: none"> <li>• No apparent wording for possession of retail radio only pubwatch membership</li> <li>• No alcohol if no DPS or personal license holder – does this mean if they not on premises or not in</li> </ul>

		<p>existence as not clear ?</p> <ul style="list-style-type: none"> <li>• Form of capacity management – What process will it be ?</li> <li>• Door supervisors employed Friday and Saturday – No times listed or specific “special dates” – further in schedule states door supervisors at weekends, but no specifics</li> <li>• No glass vessels outside – this would appear to mean that would be ok – but further in schedule states – no open vessels shall be taken outside at anytime ?</li> <li>• Restrict the use of external areas after 09.30pm – what does “restrict” mean, is that no use of outside areas or reduced use – again not clear</li> <li>• Point 16 in Section D – States about DPS and staff to supervise outside and ensure no public nuisance or obstruction – depending on the specific function this may require SIA qualification to operate effectively</li> <li>• Risk Assessments carried out and maintained – Risk assessments of what ?</li> </ul> <p>There have been a number TEN events at the premises since May 2019, (approx. 8) where the applicant has had extended hours from between midnight and 01.30am, where the applicant has stated in correspondence with police they have proved the capability of the premises to operate later without issue. Warwickshire Police would state that of these Temporary Event notices that have been submitted, 3 of them are applied for private birthday parties, 2 for charity events, 2 have stated the table service condition will remain during the extension, so that would leave 1 TEN that would potentially have had the premises open to the public under the hours and conditions the applicant is applying for. We would also state that this is only a small proportion of weekends that would be taken into account compared to 52 weeks of the year. Whilst research is ongoing at this time to clarify and will be notified in advance of any hearing, there may not of been any major issues of crime, disorder, and ASB, but as explained above it is not a real comparison due to nature of events, times and various conditions each time, to reassure Warwickshire Police.</p> <p>The application as well as moving away from a restaurant would be increasing the sale of alcohol and opening hours by 1 hour every morning and by 1.5 hours in the week and 2.5 hours at the weekend</p> <p>Any additional evidence maybe supplied in advance of any hearing</p>
<b>Public safety</b>	No	
<b>To prevent public nuisance</b>	Yes	As above

To protect children from harm	No	
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<p><b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b></p>	<p>There has been email correspondence with the applicant, but no agreement could be reached and as such Warwickshire Police object to the application.</p> <p>Proposed was NO Additional hours added to the licence in the evening, but for allowance of premises opening time of 8am to be allowed but with no extension to sale of alcohol</p> <p>Also proposed was the relaxation of table service condition prior to 6pm but to remain in force after 6pm every day of the week.</p> <p>There would also require re-wording of any of the highlighted conditions in main body of this report.</p>
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Signed:



Date: 23<sup>rd</sup> October 2019

**Tayyibah Daud**

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**From:** Rachael Russell  
**Sent:** 13 November 2019 16:28  
**To:** Tayyibah Daud  
**Subject:** FW: Hart and Co WDCPREM00946 from WDCPREM00890

**From:** Pete Cutts <[REDACTED]>  
**Sent:** 13 November 2019 16:18  
**To:** Rachael Russell <[REDACTED]>  
**Subject:** Hart and Co WDCPREM00946 from WDCPREM00890

I object to the proposed changes to the premises licence at 27 Augusta Place. The condition '*Supply of alcohol for consumption on the premises shall only be served by waiter/waitress service.*' should not be removed and the hours should not be extended.

The proposed changes would lead to a significant development from a restaurant to a pub within the Cumulative Impact Zone at a location where the history of crime, disorder and nuisance was poor and has improved significantly since.

**Pete Cutts**

Safer Communities Manager  
Health & Community Protection  
Warwick District Council - Riverside House - Milverton Hill - Leamington Spa. CV32 5HZ



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

**Tayyibah Daud**

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**From:** Peter Lawson  
**Sent:** 28 October 2019 18:40  
**To:** Tayyibah Daud; Licensing; [REDACTED]  
**Cc:** Planning Enforcement; Pete Cutts  
**Subject:** New Licence Application Hart and Co, 27 Augusta Place, Leamington Spa, WDC Prem00946  
**Attachments:** WDCPREM00946 Amended App.pdf

Good Evening,

**New Licence Application Hart and Co, 27 Augusta Place, Leamington Spa, WDC Prem00946**  
**Environmental Health Comments in respect of the prevention of Nuisance**

Environmental Health **object** to the grant of the premises licence for the hours requested by the applicant. This application radically changes the character of the premises from a restaurant with table licence, closing before 11pm to a late night bar/restaurant with public entertainment. This is not a suitable location for such a venue. There are residences close by and above that are likely to be adversely affected by noise of amplified music escaping from within the building, smokers on the doorstep of the premises, the street to the front of the premises and the public car adjacent which is also used by smokers associated with the premises.

Even where customers are well behaved the sound of conversation will carry, especially if there are large groups as one would envisage during the break in a performance of live music. The opening and closing of the door will allow escape of music in bursts which are likely to cause nuisance at the hours requested by the applicant. This opening and closing of the door will be more frequent and continue later into the night if this application is granted.

In addition to the above, the sale of alcohol for consumption on and off the premises until 01.30 on Friday, Saturday and until midnight on Sunday will draw people to premises at times when the street would otherwise be quiet. Those persons entering and exiting in the otherwise quiet street, hanging around waiting for friends inside, arriving and leaving by taxi will cause noise nuisance in addition to the noise of late night smokers noted above.

The applicant suggested conditions refer to door staff and supervision of customers in the outside areas. This premises has no outside areas apart from the door step which is shared with the access for the adjacent flat. Supervision of smokers on the public car park by bar staff has failed in the past when previous occupiers were unable to provide effective supervision of what is a public space, leading to revocation of a previous licence. **There are in our view no conditions which could overcome this fundamental problem with the lack of a suitable outside smoking space and the hours requested by the applicant.**

**For information** the Planning consent for the premises dating back to 1974 states that "The premises shall not be open to the public between the hours of 11pm and 10.00am. That is reiterated in the planning decision notice of 10<sup>th</sup> November 1998 which authorised the subdivision of the premises and the formation of 4 flats above. There also appears to be an undischarged condition from that era which requires sound insulation of 60 dB (DnbW) between the downstairs restaurant and flats above. The purpose of which was to provide adequate insulation against the internal transmission of restaurant noise and recorded music to the flats above..

Live music, as applied for in this licence application is somewhat more difficult to control. The current Licence application refers to a noise limiter but that will only protect neighbours if it is set to a level that does not break out through existing window glazing and open doors. That is variable depending on whether live amplified music is being played or simply acoustic guitar. The current application if granted would licence live amplified music. There could be a rock band playing live until 01.30.

Without prejudice to the Environmental Health objection in respect of noise from the outside areas and noise break out from the opening door, before granting the licence there must be some proof that internal sound insulation and



the shell of the building can adequately contain live music within the existing structure . Otherwise if the applicants proposed condition 17 " "conduct regular assessments ..... On every occasion .....shall take steps to reduce the level of noise....." is operated in a purely reactive way "on the night" there may be nothing they can do except stop the band.

This could provide a source of conflict .We would therefore add **further objection** from the perspective of noise nuisance and protection of staff.

The grant of several temporary event notices should not be taken as aquisance or tacit approval for regular extended hours nor for removal of the table licence condition on the existing Licence.

Kind Regards


**Peter Lawson** Bsc(Hons) MSc CMCIEH  
Chartered Environmental Health Practitioner  
Senior Environmental Health Officer

Warwick District Council

Tel: [REDACTED]

Email: [REDACTED]

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<b>Licensing Act 2003 Representation Form</b>		
<b>Section 1 - Application Details</b>		
<b>I object to the following Application:</b>		
Applicant's name (If known): <b>L R Hart Ltd</b>		
Premises name and address: Hart & Co, 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL		
Application for a	Premises Licence..... <input checked="" 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	WDCPREM00946	
<b>Section 2 - Objector details</b>		
<b>Individual Objectors Details:</b>		
<i>If you are objecting as a representative go to the next section</i>		
Applicant Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Other _____	
Surname	[REDACTED]	
First name(s)	[REDACTED]	
Address (incl postcode):		
[REDACTED] Portland Street Leamington Spa Warwickshire CV32 [REDACTED]		

**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

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable

Please state nature of representation:

**Section - Objection Details**

**My objection is relevant to the following licensing objective:**

***You can tick more than one box***

- ☐ Prevention of crime and disorder.
- ☒ Prevention of public nuisance.
- ☒ Protection of children from harm.
- ☐ Public safety

☐ I object to the application being granted at all

☒ 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)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary -  
Please number all extra pages

The applicant describes the premises as 'family-friendly', but the application seems to be for an extension of opening hours significantly beyond 11pm, to 1.30am on Friday, Saturdays and bank holidays (and Christmas Eve and New Year's Eve); this is not at all 'family-friendly'. The applicant is also requesting permission for live and recorded music to be played until 1.30am; similarly, loud music as played in such venues is not 'family-friendly' and is played to such levels as to be harmful to hearing, especially in children (even if they are not allowed on the premises past 10pm).

The opening of the premises to 1.30am and the playing of live or recorded music to such a time is also likely to constitute a public nuisance, to immediate neighbours especially but also to others living nearby. The departure of customers is likely to cause disturbance, with music and other noise from the premises 'leaking' as doors are opened and closed, and patrons talking/shouting/singing and/or vomiting/urinating in the street. This behaviour at 11pm is bad enough (we are often disturbed at weekends), but to extend it well into the night would be unacceptable.

It is unclear what restrictions are proposed for the use of the external areas after 9.30pm, or how this relates to all windows being kept closed after 9.30pm. I understand that closed windows might mitigate some noise disturbance, but is the suggestion that the external areas will not be in use after 9.30, or is there some other way of attempting to keep customers quiet?

It should be noted that the premises are frequently closed during the day/afternoon and only open in the evening, attracting non-'family-friendly' customers.

Signed.....

Date.....22/10/2019.

**Portland Street, Royal Leamington Spa, Warwickshire, CV32**

*To the Licensing Committee  
Warwick District Council  
Riverside House, Milverton Hill,  
Royal Leamington Spa, CV32 5HZ*

24<sup>th</sup> October 2019

Dear Licensing Committee,

**Licence Application WDCPREM00946 for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL**

As an interested party under the Licensing Act 2003, I wish to object to the new Licence Application WDCPREM00946 for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL. My concerns are largely the prevention of public nuisance and the prevention of crime and disorder.

It is stated in the application that the premises are "a very friendly family run restaurant and cocktail bar situated in Augusta place which is now over a year old. We gave (sic) a loyal following of guests who utilise our space for community networking groups, family Dinners, special occasions and much more. We have created a warm, relaxed family friendly atmosphere."

It is most laudable that the applicant has achieved this, considering the awful reputation of the various bars that have previously operated from the premises, a history that I will briefly return to later.

I found it puzzling that, since the premises already has a licence (WDCPREM890), why does the applicant want a new one, so I played 'spot the difference' comparing the existing licence with the application for a new one.

Comparing the two, I discovered: -

1. The condition 'Supply of alcohol for consumption on the premises shall only be served by waiter/waitress service' in the current licence has been deleted in the application.
2. Closing time to be extended from 22.00-23.00 to 23.30 on week days, and to 01.30 on Fridays and Saturdays.
3. Films to be shown after 21.00 that may not have a PG rating.
4. Indoor sporting events to be held.

All this seems somewhat strange for a very friendly family run restaurant and cocktail bar which has a loyal following of guests who enjoy family dinners, special occasions

etc, particularly in the light of the applicant's letter to local residents dated 20<sup>th</sup> June 2019 where she wrote: -

In order to create my vision for Hart & Co, I am proposing to change the alcohol license which Punch Group have already been granted, and reapply for a licence to allow customers to have the opportunity to consume alcohol without purchasing food. In order to reassure you that under no circumstances will this become a late night drinking venue again, I will negotiate an earlier closing time of 10pm during the weekend and 11pm at weekends.

I am extremely keen to work with local residents and business's rather than against them in order to benefit us all, whilst also keeping a strong focus on the values of Hart & Co. If you have any

What the application would actually achieve is to convert the cocktail bar and family restaurant business into a late-night drinking venue, just like the old ones at the premises that caused so many problems for local residents, but even worse, possibly showing late night, non-PG, movies and, maybe live wrestling matches etc.

The previous four late night drinking operations at 27 Augusta Place were the cause of persistent and distressing public nuisance to local residents even before we moved to Portland Street in 2002. The main problems were loud music and many recorded instances of anti-social behaviour and disorder in the street outside by customers, and even by staff. A Noise Abatement Notice was served on the premises in October 2010. There were 9 public nuisance complaints, and 15 licence complaints until the premises licence lapsed in November 2011 and the last bar closed.

The applicant seems to want to take us back to the bad old days and is clearly seeking a new premises licence to operate as a vertical drinking bar within the Leamington Spa **Cumulative Impact Zone**, also known as the Bar Saturation Zone.

Restaurants cause far fewer anti-social behaviour problems than late night bars, and in my view, the license should not be granted. The existing restaurant licence is the maximum the premises should be allowed. It was granted in 2017 after a hearing by a licensing panel that clearly understood the risks involved and applied the condition of service to table only which, I understand, has largely prevented excessive drinking and the anti-social behaviour which, unfortunately, often follows.

I plan to attend the Licence Application hearing; please take this as **notification in writing** of my intention both to be there and also to speak.

Yours sincerely,



By e-mail.

■ Portland Street  
Leamington Spa  
CV32 ■

The Licensing Committee  
Warwick District Council  
Riverside House,  
Milverton Hill,  
Leamington Spa,  
CV32 5HZ

8<sup>th</sup> November 2019

Dear Sirs

**Licence Application WDCPREM00946 for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL**

I wish to register an objection to the new Licence Application WDCPREM00946 for 27 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL.

My impression is that the present operation of essentially a family friendly restaurant is generally successful.

My concern is that the changes proposed by the licensee risk turning the premises into a bar with late night opening hours which will not be family friendly. Furthermore, the removal of the requirement for alcohol to be served at table with food further risks changing the experience offered and thus potentially, the clientele.

I would like to be reassured by the committee that they are satisfied with the applicant's ability to manage the premises under these new circumstances, as in the application, as required by the Cumulative Impact Zone. I cannot imagine that the applicant wishes to cause difficulty for nearby residents but previous pubs in these premises have been an unmitigated blemish on the town centre experience. It would be a pity if the present happy operation were to be replaced by something that might become a potential public nuisance.

In closing, I would like to echo ■ point:

The existing restaurant licence is the maximum the premises should be allowed. It was granted in 2017 after a hearing by a licencing panel that clearly understood the risks involved and applied the condition of service to table only.

Yours faithfully

■

Licensing Team  
Warwick District Council  
Riverside House  
Church Hill  
Leamington Spa

Leamington  
11 NOV 2019  
Warwickshire District

■ Augusta Place  
Leamington Spa  
CV32 ■

7th November 2019

**Licence Application WDCPREM00946: 27 Augusta Place, Leamington Spa**

We have lived directly opposite these premises since 1999, and would like to register our objection to this application.

These premises operated as a bar from 2001 until 2011, under four changes of ownership, and a variety of offerings. Throughout this ten-year period, regardless of ownership, it caused a very high level of noise nuisance and anti-social behaviour, not just occasionally but every single week that it was operating. Noise – shouting, shrieking and screaming – is highly intrusive and stressful, and we were compelled to send emails, letters and/or video footage to Licensing, Environmental Health and/or the Police on 25 occasions.

In January 2012, the tenant of the bar – then G's Bar – was obliged to apply for a licence (WDCPREM00722) because the previous one had lapsed in April 2011. As this was a *new* licence application in the Cumulative Impact Zone, the onus was on the licensee to demonstrate that granting a licence would not have a detrimental impact on crime, disorder or anti-social behaviour. Together with other residents, we made representations, including CCTV evidence of the nuisance caused by these premises. As a result, the Licensing Panel **refused** the licence application, because:

*The Panel have seen and heard evidence today that the operation of G's Bar has been the cause of public nuisance over the past few years. The Panel have seen video evidence, and received written evidence from neighbouring residents, that this nuisance continued whilst the current applicant was in control of the premises.*

*[...] the Panel is not satisfied that the conditions proposed will be sufficient to prevent the premises causing public nuisance. This is because much of the nuisance is caused by people standing outside the front of the premises.*

A new application (WDCPREM00867) was then made in July 2016 by Punch Taverns, leaseholders of the building. Whilst we and other residents were happy to support the premises being a restaurant, we believed that safeguards were needed to ensure that it could *only* be a restaurant, and again made representations to that effect. The licence was **granted**, with the following conditions:

*The premises shall operate as a restaurant, with a small reception/bar indicated on the plan where customers may drink alcohol whilst waiting for a table in the main restaurant.*

*Sales of alcohol shall be waiter/waitress service only*



*All sales of alcohol, with the exception of customers waiting to be seated in the main restaurant area, shall only be to persons seated and partaking in a substantial table meal.*

*[...]The Panel have decided to restrict the opening and licensable hours in view of the concerns expressed by the Interested Parties about late night noise and disturbance.*

This was the licence that Ms Hart took over in August 2017, immediately applying for a new one, as she found the conditions above unacceptable. Although we and other residents made representations, the licence was granted. This is WDCPREM00890, under which Hart has been operating. The Panel made the following observations (bold not on the original):

*Whilst the Panel note that... subject to conditions being imposed which include all external doors and windows being closed after 9.30pm, the display of signs asking patrons to leave quietly and requiring the premises holder to ensure that patrons using the outside area will do so in an orderly manner and will be supervised by staff to ensure there is no public nuisance or obstruction of the public highway, **the Panel have real concerns whether such conditions will be sufficient to prevent disturbance of nearby residents by patrons leaving the premises or otherwise using the outside area.***

*The Panel are concerned that a licence which does not contain conditions that limit the sale of alcohol to table-service only will result in the premises becoming a bar as opposed to a restaurant/bar.*

The Panel therefore imposed a condition that the sale of alcohol is restricted to table service. It appears that the condition of service to table, and the operating conditions previously agreed with the Police and Environmental Health, are not acceptable to Ms Hart and that is why the new application has been made. Had her aim been merely to extend her opening hours and add music, film and sporting events, she could have applied for a *variation* of her current licence. Instead, she has chosen to apply for a completely new licence, which in spite of mention of its being a 'friendly family run restaurant and cocktail bar' makes scant reference to the serving of food. By omitting the agreed condition of waiter/waitress service to table, it is now clear that her intention is to operate primarily as a bar.

As we hope to demonstrate through the video clips, the operation of Hart & Co in the past 14 months has on occasions produced the same noise nuisance and anti-social behaviour as all four previous operations in which it was a bar. When operating as a *food-led* enterprise, nuisance has usually been minimal; when, as it increasingly does, it operates as an *alcohol-led* enterprise, we have experienced significant noise nuisance. During Ms Hart's management, we have registered concerns and/or complaints on four occasions.

We believe the **premises** themselves are totally unsuitable as a bar:

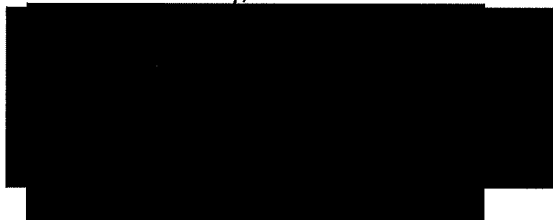
- There is only a single door: any noise created inside the bar escapes whenever the door is opened. The 'tunnel' entrance itself magnifies noise.
- It has no external area other than a small frontage beside the pavement: there is only the pavement, the car park and the road, and on busy nights patrons congregate there. It is clear that neither door staff or licensees are able to control the behaviour of patrons outside 'in an orderly manner'.
- The premises are not appropriate for any music louder than background level: Environmental Health stated in 2007 that in spite of a false ceiling fitted at the rear to help prevent noise breakout through the large glass roof, there was still potential for noise nuisance, and the front bar area should be maintained 'as a quiet area'. Changes made by Ms Hart to the layout of the premises mean that it is now open plan, and there is effectively *no* separate 'front bar area' which could act as a sound barrier to prevent noise escaping.

The Panel will be aware that these premises are located in the Cumulative Impact Zone and, as this is an application for a new licence, the onus is on Miss Hart to prove that granting her a bar licence would *not* have a detrimental impact. The panel will also be well aware that there is no such thing as a 'restaurant' licence or, indeed, a 'bar' licence: they are one and the same. The only safeguards that can affect whether premises function as one or the other are the conditions put on the licence, such as service to table and/or alcohol only as an adjunct to a substantial meal. So far, Ms Hart has shown that she is reluctant to have any conditions on her licence. Not least, the panel will be aware that any licence is for the premises: Hart & Co may continue to trade or cease trading, but any licence will remain in place.

We believe that, because of its location, the inadequacy of the building and lack of outdoor space, and the inability of management to ensure that patrons behave in an orderly manner, granting this licence will inevitably result in increased public disorder and public nuisance. We urge the Panel to reject this application.

We intend to attend any Panel hearing and present evidence (see below).

Yours sincerely,



**Attachments:**

DVD (21 minutes) – please note this is a PC disc  
 Brief History of Premises at 27 Augusta Place  
 Letter sent by Louise Hart to residents (June 2017)

## A Brief History of 27 Augusta Place as Licensed Premises

### **Hintons and HobNobs**

In the 1980s and early 1990s, 27 – 31 Augusta Place operated as one large bar with an entertainments licence trading first as Hintons and then as HobNobs. It was virtually a nightclub.

**Licence removed by Magistrates:** Due to very serious violence at the premises, the licence was removed by the Magistrates. The building was empty for some time. An application was made for a new licence in 1995 or 1996 but again refused by the Magistrates after Police objections and the use of CCTV footage.

**In 1998 Planning Permission** was sought and granted to turn 27–31 into three **restaurants** with four flats above. Two of the restaurants were set up and licensed by the Magistrates as restaurants. The third unit, 27 Augusta Place, was not let.

### **Kasa**

In 2001, Nigel Lake applied to the Magistrates for a licence as a **bar** for the third unit, 27 Augusta Place. We opposed this application only by letter as sadly we were unable to be there in person. From the start we had problems with noise from the bar as the insulation is very poor (the large rear area has a glass roof). Environmental Health served a noise abatement notice. Although it was not a commercial success, the bar continued to be a problem.

**Licence removed by Magistrates:** In November 2005 the Police sought the removal of Mr Lake's licence by the Magistrates because of the supplying of alcohol to under-age drinkers. This was due to complaints by parents but the Police asked us for help in providing evidence. We were able to provide video evidence of under-age drinking and anti-social behaviour.

Mr Lake's licence was removed – a licence granted under the old act (it was the last licence in the country to be removed under the old act).

Mr Lake had, however, already applied for an unchanged premises licence under the new 2003 Act and due to an oversight by the Police, that was not objected to and was therefore automatically granted.

### **BarCode**

In February 2006 the Premises Licence was transferred to Parvez Akhter, the then landlord for all of 27 – 31 Augusta Place and in May 2006 the licence for 27 Augusta Place was transferred to a new licensee, Matt Griffiths. In June 2006 Mr Griffiths applied for longer hours including music and dance, we objected and in fact extra conditions were put on the licence. The opening hours were set as 1:30am on Fridays and Saturdays, and music had to stop at 11pm on all other nights of the week.

Problems continued, especially in large numbers of patrons congregating outside on the street. Noise from music was audible through the glass roof at the back of the building and through the front door, which was often propped open. Patrons often drank outside, even when door staff were on duty, contrary to Licensing conditions.

In July 2007 Mr Griffiths again applied for longer hours, including for music and dance. Again we (and other residents) objected. The Panel decided the opening hours should be kept as 1:30am on Fridays and Saturdays and that the music should stop at 11am on all nights of the week. This time the panel added extra conditions bringing the total number of conditions to 19, including a condition to try and solve the

problem of the street being used as the bar's unofficial garden. The bar continued with a licence that was unchanged till it lapsed in May 2011. The bar continued to be a major problem for us and some 20 specific complaints were made to Licensing, the Police and/or Environmental Health.

#### **Afterlife**

Mr Griffiths left the business in July 2010 and the Premises Licence was transferred in September 2010 to Mohammed Ifraz (we understand he lived in Coventry but we never to our knowledge met or saw him). Under Mr Ifraz's nominal control the bar ran as AfterLife for a couple of tempestuous months from September 2010, but those running it on a day-to-day basis never gave the impression that they were in the business for the long term. On 14<sup>th</sup> October 2010 we were informed that a Noise Abatement Notice had been served on Afterlife, and the bar closed in late November 2010.

#### **Mr Ifraz**

In April 2011, unknown to us (and presumably to Warwickshire Police and Licensing at Warwick District Council), Mr Mohammed Ifraz, the existing Premises Licence Holder, was declared bankrupt and no effort was made to transfer the Premises Licence, which therefore lapsed.

#### **Premised Licence Lapsed due to bankruptcy**

#### **G's Bar (trading without a Premises Licence)**

Ms Gowlett started trading as G's Bar on 17<sup>th</sup> September 2011 without a Premises Licence. There were problems from the start, again caused by large groups of drinkers outside and door staff unwilling or unable to control them. We looked to see who the new DPS (Designated Premises Supervisor) was for the premises and as none was listed, we queried this with the then Licensing Officer, David Davies. On September 20<sup>th</sup> we received an email from Warwick District Council saying: "I received a call from their solicitor to say the same people were in place for the moment at G's with written authorisation from the current DPS/Licence Holder to authorise the sale of alcohol until they submit their transfer forms".

We had further problems with G's Bar, with noise, anti-social behaviour and under-age drinkers until the end of November 2011, when we were informed by the then Licensing Officer, who had tried to arrange meetings with the Premises Licence Holder, that the premises no longer had a Premises Licence and had not had a Premises Licence since May 2011. It will be noted from the previous paragraph that notwithstanding the assurance given by G's Bar solicitor, the Premises Licence had in fact already lapsed several months earlier.

G's Bar continued operations under Temporary Event Notices, and applied for a new licence. As the premises are located in the Cumulative Impact Zone, the onus fell on the applicant to prove that granting a licence would not be detrimental. We and other residents objected, along with St Peter's Infant School, which is located around 50 yards away. A hearing took place on 31st January 2012, at which the Panel resolved that the licence be refused on the grounds that the evidence showed that to grant it would have an adverse effect on the licensing objective relating to the prevention of public nuisance.

#### **Licence refused because of adverse effect relating to public nuisance**

#### **Punch Taverns**

In July 2016 the owners of the building, Punch Taverns, again applied for a new licence. Again, the onus was on the applicant to prove there would be no detrimental impact, and we and other residents opposed

the application. Following negotiations between the applicant and Licensing, various conditions were agreed prior to the hearing, namely service to table, and all sales of alcohol restricted to persons seated and partaking of a substantial meal. Representations were made at the hearing, residents expressing concern that there was no current tenant and fearful that unless specifically granted a licence as a restaurant, the premises could again operate as bar. The Panel resolved to grant the licence, with earlier closing than requested (in line with the two neighbouring restaurants) and with various conditions, including:

- The premises shall operate as a restaurant, with a small reception/bar indicated on the plan where customers may drink alcohol whilst waiting for a table in the main restaurant.
- Sales of alcohol shall be waiter/waitress service only
- All sales of alcohol, with the exception of customers waiting to be seated in the main restaurant area, shall only be to persons seated and partaking in a substantial table meal.
- A management plan will be drawn up and implemented to ensure that customers do not block the pavement outside the front of the premises either when going outside to smoke or leaving the premises.

This licence, with these and other conditions, is currently operational at the premises.

#### **September 2016: Licence granted as a restaurant**

#### **Hart & Co**

In July 2017 Louise Hart took over the premises. She wrote to residents about her plans, which included:

- *Hart & Co is a new, evolutionary [sic] restaurant brand which aims to open its first of many stores in Royal Leamington Spa.*
- *[It] will base its concept around traditional family values...*
- *The menu will reflect this by offering an extensive choice of sharing dishes...fine wines, craft beers and decadent cocktails created by new and upcoming mixologists.*
- *I am proposing to change the alcohol licence...and reapply for a licence to allow customers to have the opportunity to consume alcohol without purchasing food.*
- *In order to reassure you that under no circumstances will this become a late night drinking venue again, I will negotiate an earlier closing time of 10pm during the weekend [weekdays] and 11pm at weekends.*

Since a number of residents had experienced the premises as a bar previously and were not reassured by Ms Hart's reassurance, there were a number of objections and a Licensing hearing took place in August 2017. Together with two other longstanding residents, we also made representations and presented video evidence.

Judgement of the Panel included:

- *Whilst the Panel note that the videos show historical incidents which took place when the premises were being operated under previous management, the videos do in the Panel's view show the type of noise and disturbance which can be caused by a bar in this location.*  
*The Panel are concerned that a licence which does not contain conditions that limit the sale of alcohol to table-service only will result in the premises becoming a bar as opposed to a*

restaurant/bar.

- *Having listened to the applicant and the measures she proposes to implement to prevent disturbance to residents by patrons leaving the premises, the Panel are not satisfied that the applicant has demonstrated that the grant of the licence will not impact on the licensing objective of public nuisance. ... only the imposition of a condition restricting the sale of alcohol to table-service will ensure that the grant of the licence will not impact on the licensing objectives.*

**August 2017: Licence granted subject to the operating schedule, the conditions agreed with the Police and Environmental Health and subject to a further condition that the sale of alcohol will be restricted to table service.**

#### **September 2018**

Hart & Co did not open for over a year, following refurbishment. In spite of Ms Hart's assurance that 'under no circumstances will this become a late night drinking venue again', the premises have had a series of Temporary Event Notices granting much later hours, during which all licensing conditions are suspended. Hart & Co had 10 TENs between May and November of this year, lasting from as few as 6 hours up to more than 30. With the operation of a Temporary Event Notice, these premises are a bar.

Although it has only been open for 14 months, we have felt it necessary to contact Licensing on **four** separate occasions:

23rd September 2018: concern about service to table not being applied and an incident where door staff seemed reluctant to phone for an ambulance for a customer who was reported as 'hardly breathing'; an ambulance was eventually called by a concerned customer and the patient taken to hospital.

29th May 2019: with a TEN in operation until midnight, at least 12 smokers were causing considerable noise at the front of the building, with no attempt by door staff to control them; although Ms Hart eventually persuaded that group to return inside, others soon replaced them; even when she persuaded smokers to use the fire escape door on to Bedford Street car park, they drifted back to the front of the building and did not leave until after 12.30am.

9th September: concerning the noisy and disorderly behaviour of 20-30 customers around the fire exit and spread right across the car park; four male customers observed entering the front area of St Peter's Primary School where all four urinated and one vomited, then rejoining the customers outside Hart & Co.

15th October 2019: concerning anti-social behaviour from a group of women during the late afternoon, with no sign of management intervention, and two instances of glasses being taken outside.

#### **November 2019**

The current application, which seeks later hours (1.30am Friday, Saturday and 12.30 on Sunday) and also for live and recorded music for those hours, film and sporting events.

# HART & CO

Tuesday 20<sup>th</sup> June 2017

Dear Residents,

I am writing to advise you in advance of a proposed change in alcohol license on the property 27 Augusta Place, formally known as Caines.

After speaking to local residents, The Punch Group (who own the property), The Council and The Police, I have been made aware of the previous issues and the revoking of the past license. The purpose of this letter is to reassure you that these past incidents will not be happening again and to introduce myself and my business.

My name is Louise and I am a restaurateur. I have worked in the hospitality trade for the past 9 years whilst also graduating with a Master's degree in International Business Management from the University of Kent two years ago. I have been fortunate enough to manage over six restaurant chains and feel now is the right time to start my own business venture in the form of Hart & Co.

Hart & Co is a new, evolutionary restaurant brand who aims to open its first of many stores in Royal Leamington Spa. The company, founded in 2017, will base its concept around traditional family values of 'everyone coming together'. The menu will reflect this by offering an extensive choice of sharing dishes which will ultimately be complemented by fine wines, craft beers and decadent cocktails created by new and upcoming mixologists.

In order to create my vision for Hart & Co, I am proposing to change the alcohol license which Punch Group have already been granted, and reapply for a licence to allow customers to have the opportunity to consume alcohol without purchasing food. In order to reassure you that under no circumstances will this become a late night drinking venue again, I will negotiate an earlier closing time of 10pm during the weekend and 11pm at weekends.

I am extremely keen to work with local residents and business's rather than against them in order to benefit us all, whilst also keeping a strong focus on the values of Hart & Co. If you have any comments or concerns I would be extremely welcoming of your thoughts and opinions. You can contact me either on my mobile on [REDACTED] or email at [REDACTED]

Yours Faithfully,

[REDACTED]  
Miss L R Hart

**Premises Licence**  
**(To be kept at the premises)**

**Hart & Co,  
27 Augusta Place,  
Leamington Spa,  
Warwickshire,  
CV32 5EL**

*Premises Licence number*    **WDCPREM00890**

*The times the licence authorises the carrying out of permitted licensable activities*

**Sale of Alcohol for Consumption On the Premises**

**Monday to Thursday from 09:00 to 22:00**

**Friday from 09:00 to 23:00**

**Saturday from 08:00 to 23:00**

**Sunday from 12:00 to 22:00**

**Live Music (Indoors Only)**

**Friday and Saturday from 18:00 to 22:00**

**Saturday from 18:00 to 22:00**

**NOTE: Between the hours of 08:00 and 23:00, when amplified live music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises; or when unamplified live music is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence are deemed not to be in operation.**

**Recorded Music (Indoors Only)**

**Monday to Friday from 09:00 to 22:30**

**Saturday from 08:00 to 23:00**

**Sunday from 08:00 to 22:30**

**NOTE: Between the hours of 08:00 and 23:00, when recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.**



**The opening hours of the premises**  
**Monday to Thursday from 09:00 to 22:00**  
**Friday from 09:00 to 23:00**  
**Saturday and Sunday from 08:00 to 23:00**

**The following apply to all above : Seasonal Variations**  
**Christmas Eve - 00:00**  
**Boxing Day- 23:00**  
**New Years Eve / New Years Day- 01:00**  
**Good Friday- 00:00**  
**Easter Monday- 22:00**  
**May Bank Holidays - 00:00**  
**August Bank Holiday- 00:00**

*Premises Licence Holder* **L R Hart Limited,**  
**Jax Barn,**  
**Flecknoe Road,**  
**Broadwell,**  
**Rugby,**  
**CV23 8HS.**

*Registered number of holder* **10843967.**

*Designated Premises*

*Supervisor* **Louise Hart,**  
**Jax Barn,**  
**Flecknoe Road,**  
**Broadwell,**  
**Rugby,**  
**CV23 8HS.**

*Personal licence number:* [REDACTED]

## **Mandatory conditions**

1. No supply of alcohol may be made under this licence:

- A) At a time when there is no designated premises supervisor in respect of it, or
- B) At a time when the designated premise supervisor does not hold a personal licence or his personal licence is suspended.

2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula- .

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Conditions consistent with the Operating Schedule**

### *General*

HART & CO is a friendly family run restaurant and bar situated in Augusta Place. We are looking to develop the business into a national chain whilst still holding onto our distinct family values.

We aim to create a loyal following of guests by creating a warm, relaxed and welcoming atmosphere. We are proposing a change in licence to allow guests the freedom to have an alcoholic drink whether they choose to dine with us or not.

We have a well-trained management team and a training programme to ensure all staff are briefed on the licensing objectives covering in particular no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, no violent or anti-social behaviour and that there is a need to protect children from harm. The proposed DPS for the premises understands the responsibilities associated with all four of the licensing objectives and will take steps to ensure the objectives are met.

### *Prevention of Crime and Disorder*

1. CCTV to be installed and the premises licence holder must ensure that :-

- a) CCTV cameras are located within the premises to cover all public areas.
  - b) The system records clear images permitting the identification of individuals.
  - c) The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - d) The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
  - e) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - f) Downloads will be provided to the Police upon reasonable request in line with the Data Protection Agency.
  - g) Signed off by Warwickshire Police Architectural Liaison officer.
2. A panic alarm will be installed within the property which will be easily accessible to staff.
3. External lighting will be installed to ensure that the property is well lit to deter burglars.
4. Clear signage throughout the property inside and out will be displayed to ensure criminals know there is CCTV and alarms installed.
5. The company will join and remain an active member of the local Pubwatch and radio scheme.
6. A noise limiter must be in place and used to the satisfaction of the Environmental Health Authority.
7. Staff training will be conducted to ensure we do our utmost to prevent crime.
8. Daily security briefings will be conducted between all team members to ensure that we are staying alert and aware.
9. Managers will conduct security reviews as part of their walk around once a week.
10. Staff induction training will heavily focus on our licensing procedures and the four licensing objectives.
11. All staff will undertake drug awareness training.
12. Management will ensure that staff have all resources and training to ensure crime is prevented.
13. No persons to enter the premises where they are believed to be drunk or in the possession of drugs.
14. No supply of alcohol if there is no Designated Premises Supervisor.

15. Door supervisors will be employed on Friday and Saturday evenings as well as on 'special occasions' such as New Year's Eve and Bank Holidays. When door supervisors are required they are to start no later than 21.00hrs and to be on duty until the premises is closed.
16. The premises licence holder will ensure standards are set and followed by staff with disciplinary consequences if not adhered to.
17. There will be a form of capacity management.
18. Rules within the bar and restaurant will be adhered to.
19. No glass vessels outdoors.
20. When employed effective search policies will be conducted by door supervisors.
21. Toilet areas will be supervised.
22. Intoxicated people will not be served or allowed onto the premises.
23. Locked storage area for alcohol.

#### *Public Safety*

1. All staff will be trained to HART & CO standards.
2. There will be at least one first aid trained member of staff in the property during opening hours.
3. All staff to be trained in fire safety and fire drills to be carried out monthly.
4. Fire alarm to be tested weekly to ensure it is in good working order.
5. Entry to guests who are intoxicated will be prohibited.
6. Internal and External lighting to be installed to enhance public safety.
7. Emergency Lighting to be installed.
8. Glass collection policy in place.
9. Temperature levels to be kept at a safe standard otherwise we will not open for business.
10. Electric, Gas, Fire and relevant equipment checks to be maintained.
11. Risk assessments will be carried out.
12. All areas of the property are to be risk assessed before opening.
13. Weekly risk assessments to be reviewed.
14. First aid boxes will be kept on site which are to legal standard. The boxes will also be checked weekly to ensure that they are fully stocked.
15. Accident book to be kept, utilised and reviewed and noted in risk assessments.
16. Written policy in place on how to deal with accidents and emergencies.
17. Documented capacity levels throughout the shift and occupancy levels will be based on the premises ongoing risk assessments.
18. Fire risk assessments to be strictly adhered to.
19. Public Liability Insurance must be maintained in respect of the premises.
20. HART & CO staff to do their utmost to promote safety.
21. Discourage drink driving by displaying posters around the site using drink aware campaign materials.
22. Ensure all customers are aware that there are small measures of alcohol to be noted in the menu, on price lists and other printed material which is available to customers on the premises and where a customer does not in relation to the sale of alcohol state their specific measure, the customer will be made aware of the measures available.

### *The Prevention of Public Nuisance*

In order to run HART & CO in accordance with our values it is important to create a harmonious relationship with our neighbours may they be residents or businesses. We shall ensure this happens by keeping to the following standards.

1. Restrict the use of external areas after 9:30pm.
2. Display prominent exit notices.
3. Provide a free taxi phone service and indoor waiting area.
4. Door supervisors during weekends and other busy days.
5. Noise Policy.
6. Contact telephone numbers given to all residents within Augusta place.
7. Deliveries restricted to normal working hours.
8. All regulated entertainment that is permitted will take place inside the premises.
9. The DPS will implement a 30 minute 'drinking up' time to allow appropriate dispersal of customers.
10. All windows to be kept closed after 9:30pm.
11. Thirty minutes before closing, the style of music is to change to a slower tempo and quieter style as part of the rundown procedure.
12. Management must arrange for the front of the premises to be cleaned for the purpose of removing litter every morning and every evening.
13. Management to ensure that intoxication is not encouraged.
14. Carefully thought out drinks promotions.
15. Drinking games are not permitted.
16. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
17. The licence holder or their representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
18. All external doors and windows shall be kept closed after 21:30 hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
19. No open vessels shall be taken outside the curtilage of the premises at any time.
20. The premises licence holder (or his/her nominees) shall ensure that any patrons using the outside areas do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

### *The Protection of Children from Harm*

1. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
2. Those customers who appear to the responsible person to be under 25 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

3. Access to the premises by persons under the age of 18 years is strictly allowed for those who are dining only and no person under 18 years may remain on the premises after 9pm.
4. Posters to be displayed on the premises promoting a strict no ID no sale rule.
5. Refusals book to be updated and stored behind the bar and reviewed by managers at the end of each shift.

### **Conditions agreed with the Licensee**

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. The licence holder or their representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
3. All external doors and windows shall be kept closed after 21:30 hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
4. No open vessels shall be taken outside the curtilage of the premises at any time.
5. The premises licence holder (or his/her nominees) shall ensure that any patrons using the outside areas do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

### **Conditions from Hearing or Magistrates**

1. Supply of alcohol for consumption on the premises shall only be served by waiter/waitress service.

### **Plans**

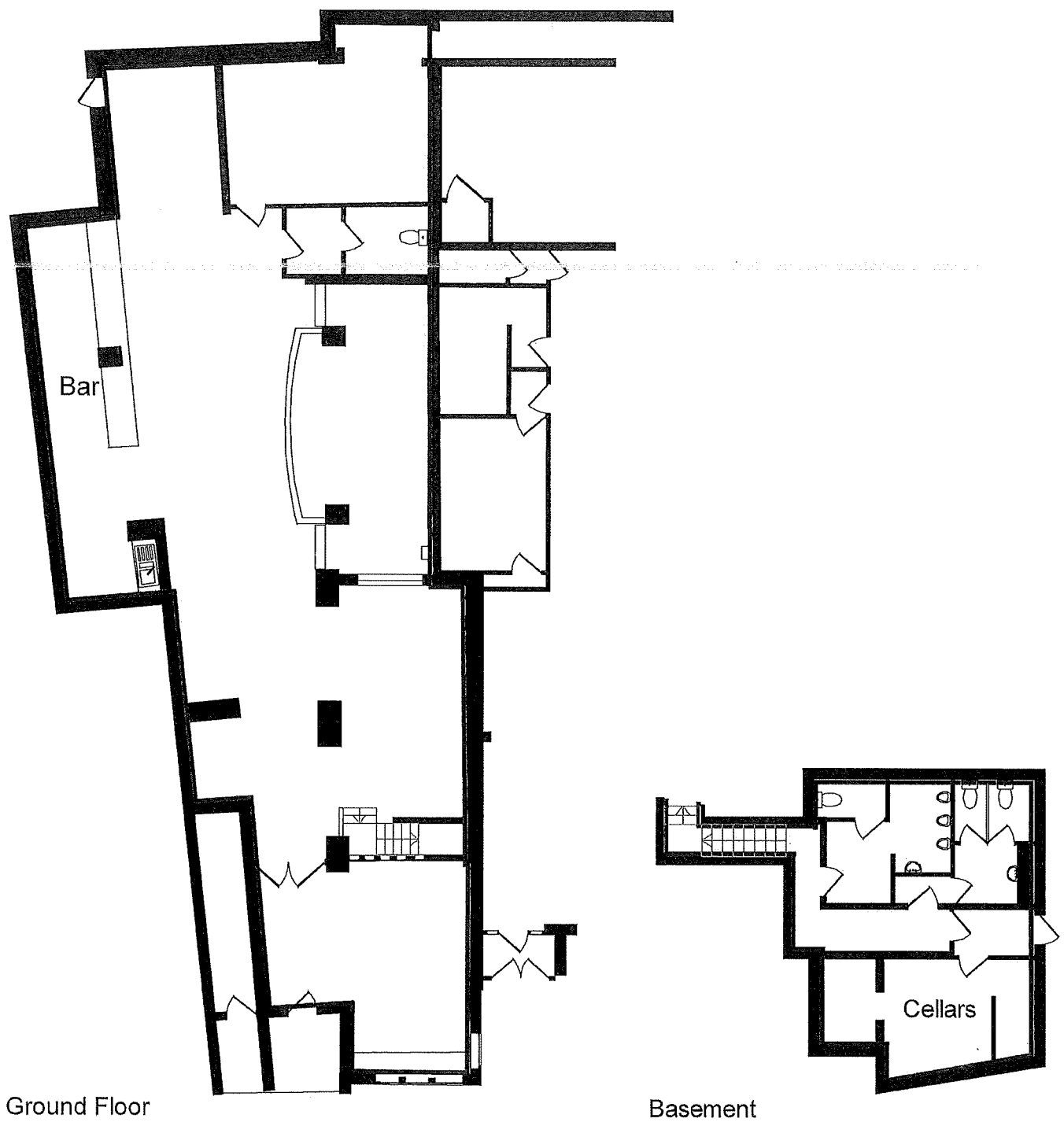
See attached sheet.



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Former Caines, 27 Augusta Place,  
Leamington Spa, CV32 5EL.

Scale 1 to 100

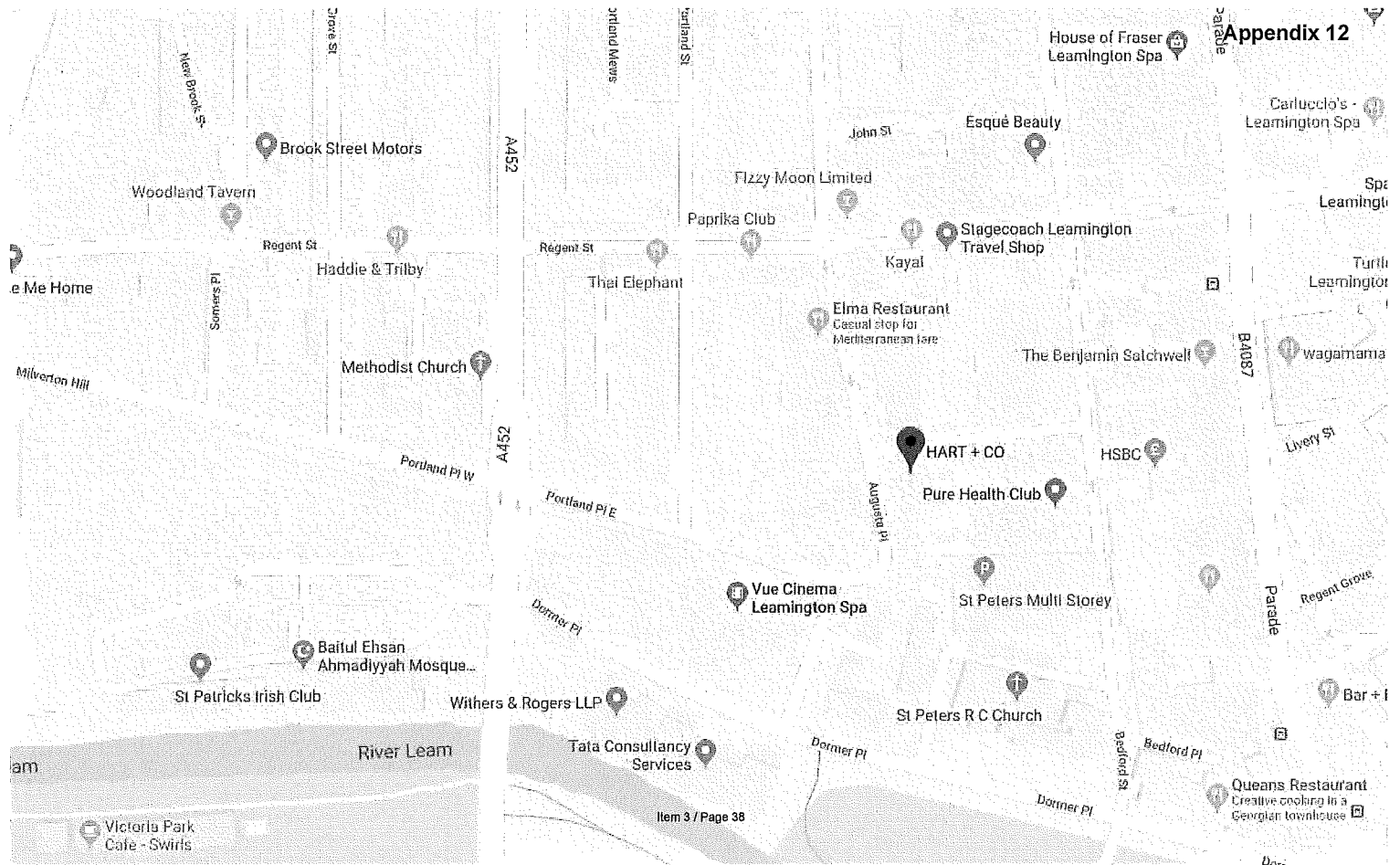
Date July 2014

[www.jemesis.co.uk](http://www.jemesis.co.uk)

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## Appendix 12











## **STATEMENT OF LICENSING POLICY**

(Required by section 5 of the Licensing Act 2003)

**2018 - 2021**

## IMPORTANT NOTE

In producing this Statement Of Licensing Policy the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future may not be incorporated into this policy document and readers of this document are advised to check the Home Office/Gov.uk website to ensure they have the latest information.

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## STATEMENT OF LICENSING POLICY

### 1 INTRODUCTION

1.1 Warwick District Council ('the Council') has a duty under the terms of the Licensing Act 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 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 138,400 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.

1.4 This statement of licensing policy relates to all those licensing activities identified as falling within the provisions of the act, namely:

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an 'authorisation' means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context a Personal Licence.

1.5 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work with the Responsible Authorities, the South Warwickshire Community Safety Partnership, local businesses and local people to promote the common objectives as outlined. In addition the Licensing Authority recognises its duty under s.17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder.

- 1.6 This policy statement has been prepared in accordance with the provisions of the Act and the guidance issued under s.182 of the Act. The policy statement is valid until 5<sup>th</sup> January 2021. This policy statement will be subject to review and further consultation prior to any substantial changes.
- 1.7 A list of contact details for the Responsible Authorities authorised under the act is attached to this policy statement as Appendix 2.
- 1.8 The Licensing Authority has recognised Warwickshire County Council as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purposes of s.13 of the Act.
- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the guidance issued under s.182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

#### **Public Health as a Responsible Authority**

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

## **2 CONSULTATION**

- 2.1 Before publishing this policy statement the Licensing Authority has consulted and given proper consideration to the views of the following in line with the statutory guidance.
- The Responsible Authorities
  - Representatives of current licence and certificate holders
  - Representatives of local businesses
  - Representatives of local residents



### **3 FUNDAMENTAL RIGHTS**

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.2 Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Licensing Authority.

### **4 LICENSING CONDITIONS**

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. 'Premises' includes open spaces. Conditions attached to various authorisations will be focused on matters that are within the control of the individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 4.2 The Licensing Authority can impose conditions if it has received a relevant representation or if such conditions are consistent with the operating schedule.
- 4.3 When considering any conditions, the Licensing Authority acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.
- 4.4 The Licensing Authority will not impose standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Licensing Authority will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of any representations received.
- 4.5 The Licensing Authority has produced a set of model conditions, which is aimed at assisting and supporting applicants through the application process. The model conditions would also assist the Licensing Authority and Responsible Authorities in deciding which conditions would be appropriate to add to a licence. The model conditions may be found at the end of this policy as Appendix 1.

## **5 OPERATING HOURS**

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously thereby reducing the friction at late night fast food outlets, taxi ranks and other forms of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the District.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are relevant representations giving good reasons based on the licensing objectives for restricting those hours.

## **6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS**

- 6.1 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order are appropriate for the Licensing Authority's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

## **7 CUMULATIVE IMPACT ASSESSMENT**

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need' which concerns the commercial demand for another particular type of premises. The Government's guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.
- 7.2 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.

- 7.3 In line with government guidance the cumulative impact zone is being reviewed in relation to crime and disorder, anti-social behaviour and noise complaints linked to licensed premises within Leamington Spa. The Licensing Authority also considers activities which take place within the town centre which could have an impact on public safety and the protection of children from harm as part of the review. A plan of the current zone may be found at the end of this policy as Appendix 2.
- 7.4 It is considered that the cumulative impact of further new licences within 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.
- 7.5 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.
- 7.6 The Licensing Authority will not operate a quota of any description including the special policy that would predetermine 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.
- 7.7 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 that there will be no disproportionate impact on any of the licensing objectives. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.**
- 7.8 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.
- 7.9 In line with current guidance the policy will be subject to review every 3 years.

## **8 PROMOTION OF THE LICENSING OBJECTIVES**

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

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.

- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.
- 8.3 The Licensing Authority will, through its Community Safety Partnership devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations to sustain and promote the prevention of crime and disorder.
- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field and in some cases as the primary source of advice in relation to a particular licensing objective.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Licensing Authority has specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within the District are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.
- 8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.

- 8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Licensing Authority will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the District.
- 8.11 In relation to premises seeking or holding a premises licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

#### **Promotion of Public Safety**

- 8.12 Public safety is not defined within the act, but the Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.13 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

## **Prevention of Public Nuisance**

- 8.17 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.
- 8.18 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.19 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should seek to pre-empt potential nuisance, especially if complaints have previously arisen at the same venue.
- 8.20 The Licensing Authority expects holders of authorisations to use their risk assessment and operating schedules to review and, if need be, to make necessary improvements to the premises or to operational practices, in order to prevent public or statutory nuisance.
- 8.21 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.
- 8.22 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.

## **Protection of Children from Harm**

- 8.23 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.

- 8.24 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) being used primarily or exclusively for consumption of alcohol.
- 8.25 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures, should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.26 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.27 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.
- 8.28 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.29 The Licensing Authority regards Warwickshire County Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.
- 8.30 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.

- 8.31 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.32 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi- purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.33 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.34 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

## **9 MANDATORY LICENSING CONDITIONS**

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way certain licensable activities are conducted. The conditions apply to all appropriate premises.

## **10 OTHER CONSIDERATIONS**

### **Relationship with Planning**

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the Council's Planning Committee and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning



restrictions. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.

- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.

### **Applications**

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning, health and safety at work, fire safety and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

### **Deregulated Public Entertainment**

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public

entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing and Regulatory Sub-Committee determines that it is appropriate for such controls to be re-introduced.

### **Public Spaces Protection Order**

- 10.12 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

## **11 BEST PRACTICE SCHEMES**

- 11.1 The Licensing Authority supports best practice schemes for licensed premises. Premises in an area covered by a scheme are encouraged to become members of the scheme.

## **12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION**

- 12.1 By consulting widely prior to this policy statement, the Licensing Authority has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.
- 12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-
- The needs of the local tourist economy, to ensure that these are reflected in their considerations;
  - The employment situation and the need for new investment and employment where appropriate; and
  - The general impact of alcohol related crime and disorder.

- The general impact of alcohol related harms to health.

### **Crime Prevention Strategies**

- 12.3 Crime prevention and drug and alcohol misuse policies and the input of the South Warwickshire Community Safety Partnership (SWCSP) will be reflected in licence conditions as far as possible.
- 12.4 The SWCSP is committed to making South Warwickshire a safe place in which to live work and visit. It is the role of the SWCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

### **Duplication**

- 12.5 When considering any application the Licensing Authority will avoid duplication with other regulatory regimes as far as possible. Therefore the Licensing Authority will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

### **Promotion of Equality**

- 12.5 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

## **13 ENFORCEMENT**

- 13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting. This provides a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate enforcement policy in respect of licensing.

- 13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.
- 13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.
- 13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing enforcement policy. These options include:
- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
  - Written warning – this is a step-up from verbal advice and holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.
  - Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of non-compliance remain a more formal enforcement option further up the scale may be selected in order to achieve compliance.
  - Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.
  - Prosecution – Under the Licensing Act 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.
  - Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

## 14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

### Licensing and Regulatory Committee

14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established Sub-Committees to determine some matters under the Act.

14.2 The Council's Constitution defines those responsibilities and is available for inspection on the Council's website, but a summary of responsibility is set out in Table 1 below.

14.3 Table 1:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

14.4 However Council has retained the power to set the Council's Licensing Policy Statement, but it will seek the views of the Licensing & regulatory Committee before determining any amendments.

## **Application forms And Process**

- 14.5 All application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 14.6 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.
- 14.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

## **15 COMMENTS ON THIS POLICY**

- 15.1 The statement of licensing policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Warwick District Council, Licensing Team, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

Email: [licensing@warwickdc.gov.uk](mailto:licensing@warwickdc.gov.uk)

## APPENDIX 1 – Set of Model Conditions

Warwick District Council has produced this document to assist and support applicants and existing licence holders through the application process. It has also been designed for the consideration of responsible authorities and the Council's Licensing and Regulatory Committee.

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions which it considers are appropriate for the promotion of one or more of the licensing objectives.

Those applying for a premises licence, club certificate, variation of a premises licence or variation of a club certificate may also wish to consider those conditions which would promote the licensing objectives when completing the operating schedule.

In determining what conditions are appropriate, it will be necessary to consider the individual circumstances of the premises, including:-

- The nature and style of the venue,
- The activities being conducted there,
- The location, and,
- Anticipated clientele

### **Guidance for operating schedule**

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstance of an individual licensed premises and determined on a case-by-case basis.

**Under no circumstances should licensing authorities regard pools of conditions as standard conditions to be automatically imposed in all cases.**

## **Prevention of Crime and Disorder**

1. There shall be no sales of alcohol for consumption off the premises after (time).
2. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
3. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
4. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above (insert percentage) will be sold or offered for sale.
5. Each self-serve pump must be covered, in full, by the CCTV system.
6. Only craft beer or ale is permitted to be dispensed from the self-service pumps and will only be available in measures of (measure).
7. Only wine is permitted to be dispensed from the self-service wine dispenser and will only be available in a maximum measure of (measure).
8. When a self-service dispenser is in use a notification system must be in place to alert a member of bar staff.
9. Regular meetings will take place between the Designated Premises Supervisor, Warwickshire Police and Licensing authority. The meetings will take place every (number) months.
10. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear (high visibility jackets or vests or armbands).
11. Door supervision must be provided on (specify days). Door supervisors must be on duty from (insert hours) and must remain on duty until the premises are closed and all the customers have left.
12. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
13. On/at (specify days/hours) at least (insert number) of SIA registered door supervisors must be on duty at the premises (may specify location at the premises or as shown on the plan).
14. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty. That register shall be available for inspection on reasonable request Authorised Officer of the Council, the Security Industry Authority or a Police Constable and shall contain the following details:-
  - the door supervisor's name, date of birth and home address;
  - his / her Security Industry Authority licence number;
  - the time and date he / she starts and finishes duty;
  - each entry shall be signed by the door supervisor.



15. Any door staff register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or a Police Constable and will be retained on the premises for a period of 12 months from the date of the last entry.
16. The Premises Licence holder / Designated Premises Supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The Premises Licence holder / Designated Premises Supervisor will ensure that staff receive training on the policy.
17. CCTV to be installed and the premises licence holder must ensure that :-
  - a. CCTV cameras are located within the premises to cover all public areas.
  - b. The system records clear images permitting the identification of individuals.
  - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
  - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
  - g. Signed off by Warwickshire Police Architectural Liaison officer
18. The Premises Licence holder / Designated Premises Supervisor is to provide the Police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the Premises Licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
19. The Premises Licence holder / Designated Premises Supervisor must notify the Licensing Office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
20. No open vessels to leave the premises at any time.
21. No open vessels to be taken outside the curtilage of the premises at any time.
22. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
23. Only plastic glasses / plastic bottles / toughened glass to be used in the outside areas of the premises.
24. Plastic or toughened polycarbonate (or similar) glasses / bottles will be used when requested by Warwickshire Police.
25. Drinks must only be served in polycarbonate/plastic containers.
26. No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.
27. SIA door staff will be required to remove all alcohol from customers who are queuing to

enter the premise or entry to be refused. This alcohol must then be disposed of immediately in a bin provided at the premises.

28. A Personal Licence holder must be on the premises at all times when open to the public.
29. A Personal Licence holder must be on the premises on (state days) (time) between (time) hours and close of business.
30. The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence. This should be maintained and made available for viewing by Authorised Officers.
31. Details of the names, addresses and up-to-date contact details for the Designated Premises Supervisor and all Personal Licence holders shall be maintained and kept on the premises.
32. Premises will participate in any Police or responsible authority awareness campaign or training that is relevant to the sale of alcohol, use of drugs or entertainment.
33. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.
34. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Warwickshire Police.
35. There shall be displayed on the premises, information regarding drugs awareness. / Zero tolerance policy.
36. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
37. The premises will be a member of the locally approved radio scheme and abide by its policies and procedures.
38. The premises is to maintain an incident book to record details of the following:-
  - Any violence or disorder on or immediately outside the premises,
  - Any incident involving controlled drugs (supply / possession or influence on the premises,
  - Any other crime or criminal activity on the premises,
  - Any call for police assistance to the premises,
  - Any ejection from the premises,
  - Any first aid/other care given to a customer.
39. An incident book to made available for inspection by a responsible authority on reasonable request.
40. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the Ambulance Service) are called without delay;
  - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
41. Any staff employed at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include (delete where applicable) :-
- Drunk awareness
  - Drugs awareness
  - Age verification training
  - Conflict management training
  - First aid
42. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
43. No entry / re-entry 1 hour before permitted hours.
44. No entry / re-entry after (time) (days).
45. Any queue (in a designated queuing area) to enter the premises must be supervised at all times by door supervisors.
46. Any (designated) queuing area must be within suitable barriers.
47. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.
48. The premises must only operate as a restaurant:
- in which customers are seated at a table
  - which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery
  - which do not provide any take away service of food or drink for immediate consumption, and
  - where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals
49. The supply of alcohol to customers must be by waiter or waitress service only.
50. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

## **Prevention of Public Nuisance**

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided, except for access and egress and in the event of an emergency.
4. The beer garden / outside area is not to be used/occupied after (x) hours daily.
5. There will be no external loud speakers.
6. The Premises Licence holder / Designated Premises Supervisor will adopt a "cooling down" period where music volume is reduced (insert minutes) before the closing time of the premises.
7. At an appropriate time before closing time, announcements shall be made reminding customers to leave quietly.
8. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
9. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.
10. The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
11. Outside areas and activity must cease and be cleared at (time).
12. The beer garden / outside area(s) is not to be used/occupied after (time) hours daily.
13. With the exception of smokers, the outside area shall not be used by customers after (time).
14. Drinks shall not be permitted to be consumed in the outside area after (time).
15. In relation to the (specified function room) there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending a pre-booked function.

16. Licensable activities at events in the (specified function room) shall only be provided at pre-booked ticketed events.
17. Customers shall not enter or leave the premises from / by (insert specific entrances or exits), except in the event of an emergency.
18. The licence holder (or his/her nominees) shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and as quietly as possible.
19. The licence holder (or his/her nominees) shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
20. There shall be no admittance or re-admittance to the premises after (time) except for patrons permitted to temporarily leave the premises to smoke.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (number) persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).
24. Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. All outside tables and chairs shall be prohibited from use after (time) each day.
26. All tables and chairs shall be removed from the outside area by (time) each day.
27. No external seating shall be provided at the premises.
28. All external doors and windows shall be kept closed after (time) hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
29. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.
30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
31. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the local authority's Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the

Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment for the purposes of providing regulated entertainment shall be used on the premises without being routed through the sound limiter device.

33. A sound limiting device shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of Warwick District Council's Environmental Health service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior agreement with the Environmental Health Service.
34. No regulated entertainment shall take place in the outdoor areas at any time.
35. The provision of live music shall be limited to no more than two performers.
36. All outdoor entertainment shall be unamplified.
37. Suitable means of ventilation shall be provided and maintained at the premises to enable doors and windows to be closed whilst regulated entertainment is being provided.
38. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
39. The Premises Licence holder (or his/her nominees) will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
40. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (time) hours and (time) hours on the following day.
41. During the hours of operation of the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
42. No collections of waste or recycling materials (including bottles) from the premises shall take place between (time) and (time) on the following day.
43. No deliveries to the premises shall take place between (time) and (time) on the following day.

## Public Safety

1. A designated room, space or location to be provided within the premises to create a safe environment which is monitored by a trained and DBS checked member of staff or volunteer.
2. All doors/gates through which persons may have to pass whilst making their way from the premises shall be readily and easily openable from within without the use of a key, code, card etc.
3. Once a licence has been granted a Fire Risk Assessment is to be kept on the premises and be available for inspection by an authorised officer.
4. The premises should be provided with a means for raising the alarm in the event of fire.
5. Staff should be aware of the siting of extinguishers, of their correct method of operation and know which equipment is appropriate for a particular fire. The equipment should be so placed as to be readily available for use. At least one appliance should be placed at or near to the exit from a floor and, where extinguishers are provided for special risks, as far as practical be sited close to the risk for immediate use.
6. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
7. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined.
8. The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.
9. The maximum number of persons allowed in the premises shall be (insert numbers, areas and occasions).
10. A person who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if required to do so, give that information to an authorised person.
11. At all times door supervisors on duty, numbers or persons inside the venue shall be recorded by way of a clicker system or similar, and shall if required to do so, give that information to an authorised person.
12. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
13. The Premises Licence holder / Designated Premises Supervision must develop and operate a policy which ensures the safe evacuation of disabled people in the event of an emergency. All staff shall be made aware of these arrangements.
14. Staff or attendants shall be readily identifiable to members of the public.

## **Protection of Children from Harm**

1. Signage to be displayed around the premises in prominent places informing both staff and customers of the 'Challenge 25' policy.
2. A notice(s) shall be displayed in and at the entrance to the premises where they can be clearly seen, indicating that there is a "Challenge 25" policy in place at the premises.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
4. All deliveries of alcohol must be made by a person over the age of 18 years.
5. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
6. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
7. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
8. Under 18's events will not take place without prior consultation with the Police and Licensing Authority.
9. Under 18's events will not take place at the premises.
10. No persons under the age of 18 years will be allowed on the premises after (time) 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.
11. The premises will operate a "Challenge 25" proof of age policy.
12. The premises is to maintain a refusals book/record to record the details of incidents where a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the book make a record of these checks. The book must be made available to a Police Constable/Authorised Officers of the Licensing Authority on request.
13. Any person who is authorised to sell alcohol at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on how to prevent underage sales and any other relevant matters. A written record will be kept of all training provided and this record will be kept on the premises for inspection by any Responsible Authority.
14. No persons under the age of 18 years to operate the self-serve pumps at any time.

The above are generic conditions that applicants may wish to include within their application to speed up any discussions with the relevant responsible authorities. The use of these conditions does not guarantee the granting of a premises licence. Each application will be assessed on its own merits and in the context of its location and potential to impact on the licensing objectives. Additional conditions, or amendments to these model conditions, may be necessary in order to uphold the four licensing objectives. These model conditions are

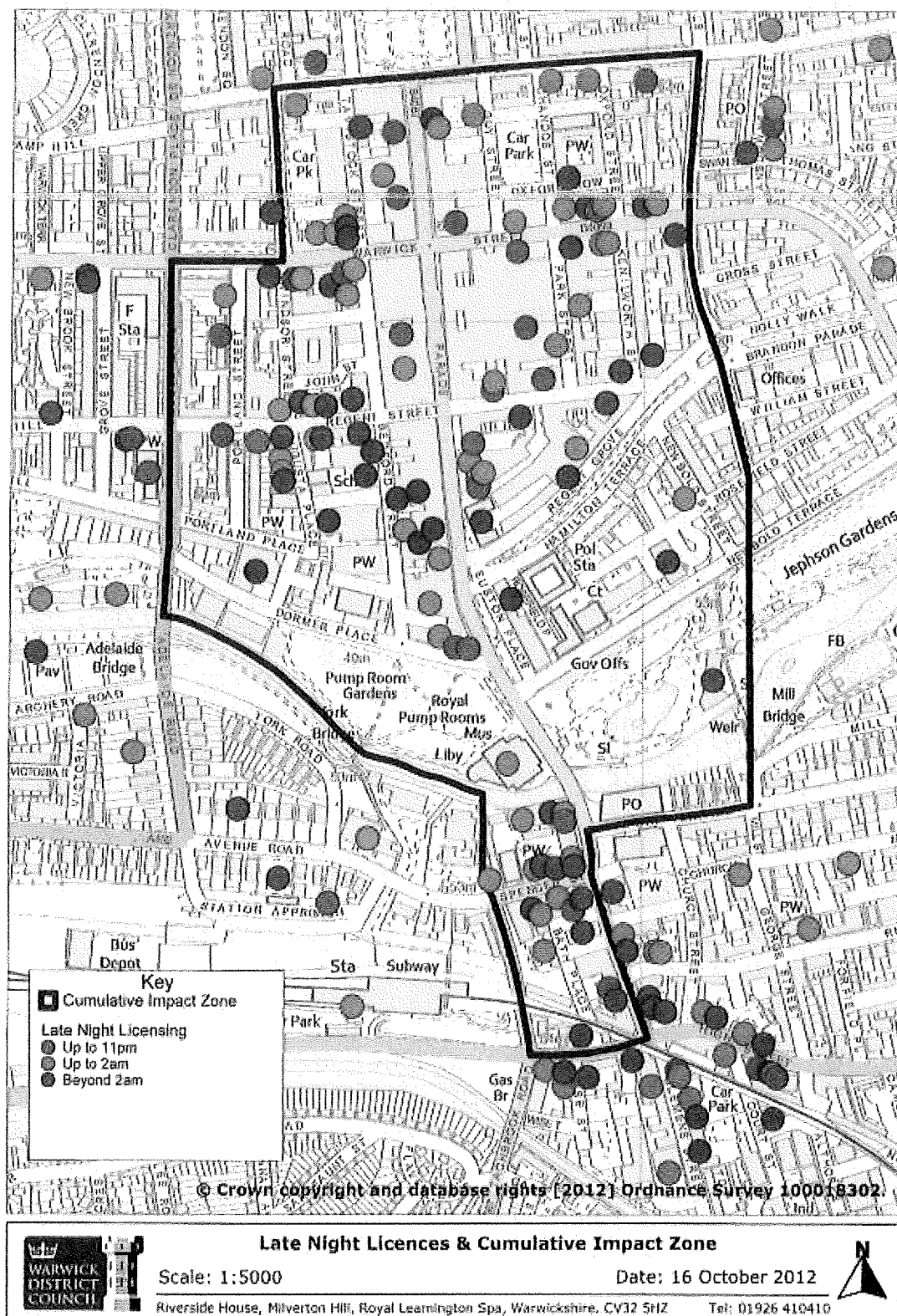


not exhaustive and do not prevent you from volunteering any alternative measures that you believe are more appropriate for your particular premises.

Applicants will also need to consider whether their premises falls with any designated cumulative impact zones (CIZ) as higher standards will be applied.

For premises licences relating to outdoor music events, festivals, etc. applicants are encouraged to read the guidance provided by Warwick District Council's Safety Advisory Group (SAG) for information on planning their events. This can be found at: [www.warwickdc.gov.uk/safetyadvisorygroup](http://www.warwickdc.gov.uk/safetyadvisorygroup)

## APPENDIX 2 – Cumulative Impact Zone



## APPENDIX 3 - 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 484226  
Email: southwarksliquorlicensing@warwickshire.pnn.police.uk

**FIRE AUTHORITY:** County Fire Officer  
Warwickshire Fire & Rescue Service  
Warwick Street  
Leamington Spa  
CV32 5LH

Tel: 01926 423231  
Email: firesafety@warwickshire.gov.uk

### **ENFORCEMENT AGENCIES 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

**Health and Safety Executive – Birmingham Office**  
19 Ridgeway  
9 Quinton Business Park  
Quinton  
Birmingham  
B32 1AL

### **AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:**

Safer Communities 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:**

Licensing Team  
Health and Community Protection  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Tel: 01926 456705

Email: [Licensing@warwickdc.gov.uk](mailto:Licensing@warwickdc.gov.uk)

**AUTHORITY RESPONSIBLE FOR PLANNING:**

Manager, Development Services  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Tel: 01926 456541

Email: [gary.fisher@warwickdc.gov.uk](mailto:gary.fisher@warwickdc.gov.uk)

**BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:**

Strategic Commissioning People Group  
Building 2, Saltisford Office Park  
Ansell Way  
Warwick  
CV34 4UL

Tel: 01926 410410

E-mail: [licenseapplications@warwickshire.gov.uk](mailto:licenseapplications@warwickshire.gov.uk)

**WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):**

Divisional Trading Standards Officer  
Warwickshire Trading Standards  
Old Budbrooke Road  
Warwick  
CV35 7DP

Tel: 01926 414040

Email: [tradingstandards@warwickshire.gov.uk](mailto:tradingstandards@warwickshire.gov.uk)

**NATIONAL HEALTH SERVICE/PUBLIC HEALTH:**

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

Email: [phadmin@warwickshire.gov.uk](mailto:phadmin@warwickshire.gov.uk)