

 Licensing & Regulatory Committee 12 September 2017		Agenda Item No. 3
Title	Application for a variation of the premises licence issued under the Licensing Act 2003 for Cape of Good Hope, 66 Lower Cape, Warwick, CV34 5DP	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	30.8.2017	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps: N/A		

1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for the variation of a premises licence from Mr Steve Jury and Mrs Emma Jury for Cape of Good Hope, 66 Lower Cape, Warwick, CV34 5DP.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report and decide whether the variation application for a premises licence at Cape of Good Hope, 66 Lower Cape, Warwick, should be granted and, if so, whether the licence variation should be subject to any conditions.

3. **Reasons for the Recommendation**

- 3.1 Mr and Mrs Jury applied for a variation of the premises licence for Cape of Good Hope, 66 Lower Cape, Warwick, on 1 August 2017. The premises licence variation application is to extend the current licensable area to include the lock side. A plan showing the current licensable area is attached as appendix 1 and a plan showing the proposed licensable area is attached as appendix 2.
- 3.2 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

General

The applicant will continue with the established regime of responsible management consistent with the smooth and trouble free running of an established public house providing amenities for local residents and visitors including all necessary staff training and considering the licensing policy of the District Council.

The general culture of the pub is a traditional house with high end food and ales. A reasonable standard of dress and behaviour is required and even bad language is not tolerated.

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

Prevention of Crime and Disorder

The licence holder will ensure they are a member of any local pub watch scheme. Staff are trained to deal with difficulties on the premises. Notices are posted on the premises warning that illegal activities will not be tolerated. Newly improved CCTV system installed.

We have already installed CCTV cameras to be able to keep an eye on customers as they use that area already on their own back. We will be able to control customers as it is our licenced area, at present we can't control what people do in this area as we are unlicensed and customers walk down there all the time with their food and drink.

Public Safety

The applicant will bare in mind the safe capacity of the premises, maintain safety equipment and train staff in its use. Additional lighting to car park.

CCTV cameras will be installed, a barrier has been ordered and will be put up between the canal and the benches. There is no lighting and will be closed down at 21:30hours at the very latest.

Protection of Children From Harm

The policy of excluding children after 21:30hours will continue.

Children are tolerated within the bounds of the law, but not encouraged and are carefully supervised by all members of staff strict time limitations are enforced. Signs saying children must be with a parent. We do not let children stay at the pub after 21:00hours unless they are still dining inside.

Prevention of Public Nuisance

The premises are in a locality with few immediate dwellings. Noise will be kept to a level which does not intrude on neighbours. The premises are part double glazed which further reduces noise. Notices will request that patrons are considerate when leaving. Ensure noise is kept to a minimum and outside area closed down early i.e. 23:00hours.

CCTV cameras installed, rubbish bins and ashtrays. Our staff will be checking the area.

3.3 The Licensing Department have received two representations in relation to this application. Objections have been received from residents within the vicinity, attached as appendices 3 and 4.

3.4 There are a number of conditions which already form part of the current premises licence which the licence holder must ensure they comply with. These conditions will remain on the licence and are as follows:

1. Supply of alcohol for consumption indoors only after 23:00 and outside area to be vacated by this time.

2. All doors and windows to be shut at 23:00 (except for egress and entry) to reduce risk of nuisance to residents.

3. Music or amplified voice shall not be audible at the facade of any noise sensitive premises nor inside any adjoining/neighbouring premises.

4. CCTV to be installed to the current British Standard BS7958. This consists of;

a) Cameras shall cover all public areas.

b) Head and facial recognition coverage.

c) Recordable and retained for a minimum of 31 days.

d) CCTV images to be made available to Police or Local Authority upon reasonable request. Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.

e) Signed off by Warwickshire Police Architectural Liaison Officer.

5. The premises will maintain and update an incident/refusal of alcohol register and documentation made available upon request of the Police or Local Authority.

6. The premises will maintain and update alcohol-training records of all staff, and documentation made available upon request of the Police or Local Authority.

3.5 A deregulation came into force in April 2015 which amended the Licensing Act 2003 and the need for a premises which is authorised and open for the sale of alcohol to require a licence for live or recorded music in certain circumstances. The application is to extend the area to sell alcohol only and therefore any live or recorded music falling under the deregulation which may take place in this

new licensable area cannot be considered. The following deregulations will apply to this premises:

1. 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.
2. 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.

3.6 No representations have been received from:

- Fire Authority
- Warwickshire Police
- Environmental Health
- Trading Standards
- Enforcement Agency for Health and Safety.
- The Licensing Authority
- Authority Responsible for Planning
- National Health Service/Public Health
- Body responsible for the protection of children from harm

3.7 A map of the area is attached as appendix 5 and photographs of the area are attached as appendix 6.

4. **Policy Framework**

4.1 When considering the application the panel must give appropriate weight to:-

- a) The representations received.
- b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- c) The Council's Licensing Policy Statement (attached as appendix 7)
- d) The Licensing Objectives, which are:-
 - i) The Prevention of Crime and Disorder.
 - ii) Public Safety.
 - iii) The Prevention of Public Nuisance.
 - iv) The Protection of Children from Harm.

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

4.2 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.

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

5. **Budgetary Framework**

- 5.1 There would be costs associated with any appeal against the decision as set out in 6.1 below.

6. **Risks**

- 6.1 Any decision made by the Panel may be appealed against at a Magistrates Court within 21 days of the decision. There would be costs associated with responding to an appeal and the Council could be ordered to pay the Appellants costs if it is deemed to have behaved unreasonably.