	Sale of Alcohol for consumption on the premises	Live Music; Recorded Music; Performance of dance; Other Activities of a similar description to that of live music,recorded music or performance of dance; Provision of facilities for dancing; Provision of facilities for making music;The provision of entertainment facilities of a similar description to that of making music and dancing; Plays; Films (All Indoors)	Late Night refreshment	Opening Hours of the premises
Monday	18:00 to 03:00	18:00 to 03:00	23:00 to 03:00	18:00 to 03:00
Tuesday	18:00 to 03:00	18:00 to 03:00	23:00 to 03:00	18:00 to 03:00
Wednesday	18:00 to 03:00	18:00 to 03:00	23:00 to 03:00	18:00 to 03:00
Thursday	18:00 to 03:00	18:00 to 03:00	23:00 to 03:00	18:00 to 03:00
Friday	18:00 to 04:00	18:00 to 04:00	23:00 to 04:00	23:00 to 04:00
Saturday	18:00 to 04:00	18:00 to 04:00	23:00 to 04:00	23:00 to 04:00
Sunday	12:00 to 03:00	12:00 to 03:00	23:00 to 03:00	12:00 to 03:00
Bank Holiday and New Year	18:00 to 04:00	18:00 to 04:00	23:00 to 04:00	23:00 to 04:00

Appendix 1

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I PS 645 Paul Calver
(Insert name of applicant)

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Juice 7 Court Street	
Post town Leamington Spa	**Post code (if known)** CV1 2BB

Name of premises licence holder or club holding club premises certificate (if known) DFK Leisure Ltd

Number of premises licence or club premises certificate (if known WDCPREM00679

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

   a) a person living in the vicinity of the premises ☐

   b) a body representing persons living in the vicinity of the premises ☐

   c) a person involved in business in the vicinity of the premises ☐

   d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below) ☒

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick
Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev)

Surname	**First names**

I am 18 years old or over — **Please tick yes** ☐

Current postal address if different from premises address	
Post town	**Post Code**
Daytime contact telephone number	
E-mail address (optional)	

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PS 645 Paul Calver Harm Reduction Sgt Warwickshire Justice Centre Newbold Terrace Leamington Spa
Telephone number (if any) 01926 684166
E-mail address (optional) paul.calver@warwickshire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

1) the prevention of crime and disorder ☒
2) public safety ☒
3) the prevention of public nuisance ☒
4) the protection of children from harm ☐

Please state the ground(s) for review (please read guidance note 1)

This review is requested under the licensing objectives highlight above.

The grounds for the review application are as follows;-

1. Number of drug usage incidents reported over short period of time
2. Number of disorder / disturbance incident reported over short period of time
3. Lack of management of premises leading to potential breaches in license and public safety / public nuisance issues

As a result of the above grounds and the evidence contained below, Warwickshire Police would request the following as part of the review process ;-

1. Full revocation of license

If the licensing panel decide on other than revocation of license then Warwickshire Police would request the following are considered.

1. Reduction of Hours to 2300hrs 7 days a week
2. Door supervisors 7 days a week, from 20.00hrs till closure
3. ACS Approved door company only to be employed
4. Door supervisors in high visibility jackets whilst working on door
5. Minimum of 6 door supervisors on duty when required
6. Door supervisors in high visibility jackets to patrol the perimeter of the venue hourly whilst on duty. All patrols to be logged
7. ID Scanner to be installed, maintained and used at all time door supervisors on duty, weekly reports from scanner to be supplied to nominated officer of

Warwickshire police.
8. Personal license holder to be on site on every evening from 8pm till close
9. No entry / re-entry after 22.00hrs, 7 days a week.
10. CCTV camera system to be upgraded and additional cameras installed to cover internal and external blind spots.
11. Drug safe to be installed and maintained, with two unique key system, one of which is held by Warwickshire police.
12. Drugs policy to be maintained to cover, random search policy, drug seizure policy, drug safe depositing policy and procedure.
13. No persons under the age of 18 in the premises at anytime
14. Removal of any embedded conditions revolving around bank holidays and or Christmas or New Years Eve.

Please provide as much information as possible to support the application
(please read guidance note 2)

Further report will be submitted in due to course to expand on the below information.

A summary of information / evidence to support this application is as follows:-

During the months of July and August 2013, it came to Warwickshire Police's attention, the abnormally high amount of incidents that were being dealt with inside and outside of the premises, in particularly the amount of drug usage incidents and information being dealt with, particularly Class A drugs, mainly cocaine. It was apparent to officers that cocaine was openly being used outside the venue in full view of the venue and its staff.

This information will be supported by evidence submitted in due course, revolving around, police incident logs (STORM logs), search records, arrests and crimes. CCTV footage will also be submitted to the panel displaying in digital quality the drug usage and openness of this activity.

Due to the amount of incidents summarised above, number of issues raised by local uniformed response officers, and CCTV evidence, a meeting was arranged with the then owner and manager of the venue a Mr Dean Hayer, DPS Makahm Kandola and manager Christopher Hawkes. This was held on 9th Sept 2013, with all three persons present and Warwick District Council Licensing Officer Jayne Bailey. All parties present were made aware of the above issues and a total of 25 Police Recorded incidents between 12th May 2013 and 1st Sept 2013. These incidents discussed mainly revolved around, Class A Drugs, disorder, disturbances and assaults. It was also explained to all persons present that there had been several incidents where it was clear to police officers in attendance, that door supervisors were conducting themselves professionally and were allowing drugs activity to take place and also allow those involved back into the premises. There were in excess of 25 incidents discussed during the meeting.

The meeting was terminated and the venue left to put in place some procedures and protocols to improve the situation, including proactive activity by door supervisors. The venue owners, DPS and manager were all informed that should the situation not improve then a review application would be considered.

A further meeting was arranged for a follow up with venue on 25th Oct 2013.

Between 9th Sept and 25th Oct 2013, there were further 10 plus incidents recorded at the venue, again including Class A drugs, Serious Assault, and disorder. Although the venue had not improved and it was Warwickshire Police's intention to apply for a review, officers still attended the pre-arranged meeting with Warwick District Council licensing, and the venue Solicitor, Mr French. Unfortunately none of the venue management, DPS or owners turned up for the arranged meeting, therefore no discussion took place.

As stated further evidence will be submitted to expand on the above information in due course, this will include, police reports, officer statements, CCTV footage and crime reports. Due to data protection, the CCTV footage will remain in the possession of Warwickshire Police and Warwick District Council and not be copied. viewing of required persons will be made by appointment with Warwick District Council. Warwickshire Police will at any review hearing ask for the CCTV footage (only) to be played in closed hearing and not public.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date 05/11/13

.....

Capacity Harm Reduction Sgt Warwickshire Police

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	**Post Code**
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.


Warwick District Council, 100018302, 2009

STATEMENT OF LICENSING POLICY

Reviewed 2009

(Changes to cumulative impact zone added)

9th July 2009

1. Introduction

1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and guidelines on its content issued under Section 182 of the Act.

1.2 Warwick District Council 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 of 126,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.

1.3 The aim of this Policy is to:-

- promote the Licensing Objectives.

1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-

- **prevention of crime and disorder;**
- **public safety;**
- **prevention of public nuisance; and**
- **protection of children from harm.**

1.5 In making this Policy, the Licensing Authority recognises the following:-

- **that residents within, and visitors to the District need a safe and healthy environment to live, work and visit; and**
- **that safe and well run entertainment premises are important to the local economy and vibrancy of the District.**

1.6 This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.

The following, will guide that decision making process:-

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
- each licence application will be given individual consideration on its merits;
- when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
- the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).

1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.

1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.

1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

2. Delegation of Functions for Regulatory Matters

2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

3. General Statement of Guiding Principles

3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

3.2 **Principle 1** - The Licensing Authority will not normally fix pre-determined licensing 'quotas' in any given area but see paragraphs 7 and 8.

3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8)

3.5 **Principle 2** - The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing, hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.9 **Principle 3** - The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.

3.10 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety; and
- promote the prevention of public nuisance.

3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.12 **Principle 4** - As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.

3.13 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote the prevention of public nuisance; and
- address the issue of alcohol sales in shops, stores and supermarkets.

3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.15 **Principle 5** - The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.

3.16 The purpose behind this Principle is to:-

- promote the protection of children from harm; and
- address the issue of children in licensed premises, including cinemas and other public entertainment.

3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.

3.18 **Principle 6** – The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

4. Licensing Objectives

4.1 Prevention of Crime and Disorder

4.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the District.

4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.

4.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:–

- planning controls;
- enforcement of Environmental Protection legislation (e.g. on noise nuisance);
- positive measures to provide a safer and clean town centre;
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
- powers to designate parts of the District as places where alcohol may not be consumed publicly;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

4.2 Public safety

4.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

4.3 Prevention of public nuisance

4.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:

- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
- examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
- consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

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

4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives

4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

4.4 Prevention of Harm to Children

4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.

4.4.3 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.

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

- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);

- With a known association with drug taking or dealing;

- Where there is a strong element of gambling on the premises;

- Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

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

- Limitations on the hours when children may be present;

- Age limitations (below 18);

- Limitations or exclusions when certain activities are taking place;

- Restrictions or exclusions in respect of parts of premises;

- Requirements for an accompanying adult;

- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

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

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

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

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

5. Other Considerations

5.1 Live Music, Dancing & Theatre

5.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance in neighbourhoods will always be carefully balanced with these wider benefits.

5.2 Integration of Strategies

5.2.1 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

5.2.3 Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.

5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

6. Other regulatory regimes

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

6.2 Health and Safety

6.2.1 Premises will normally have been visited by the Council's Environmental Health inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

6.3 Fire Safety

6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

6.4 Food Hygiene

6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

6.5 Noise

6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

6.6 Planning

6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

6.7 Standard Conditions

6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

6.8 Enforcement

6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.

6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Enforcement Group. Information about this group is available separately

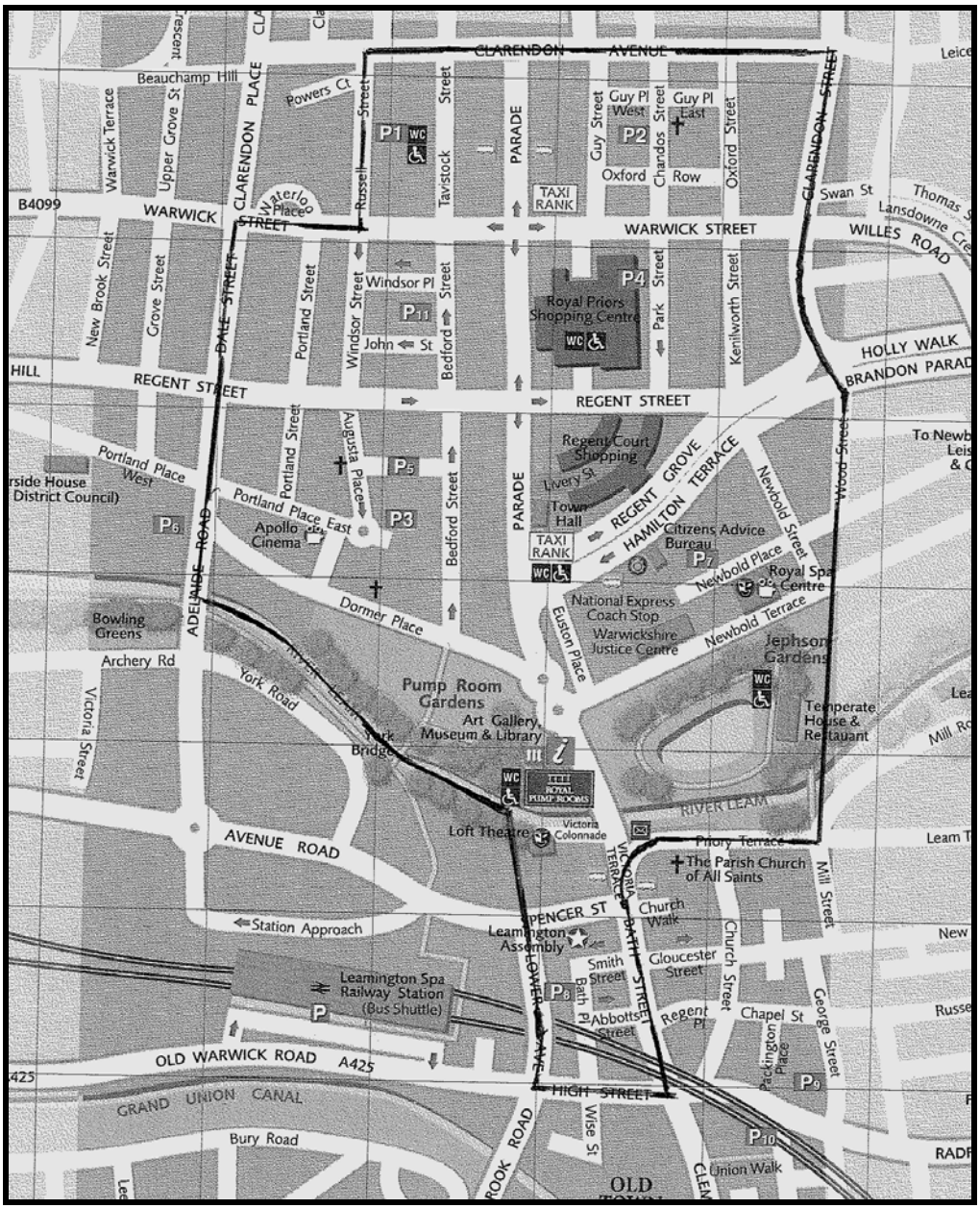
7. Special Policy Regarding Cumulative Impact

7.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.

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. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.

7.3 The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.

7.3 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)



7.4 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

7.5 The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.

7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined

in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

7.7 The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.

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 If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.

7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.

7.11 The policy will be subject to review.

8. Further Information

9.1 The Licensing Authority has produced guides for applicants.

9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.

9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.

9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.