

 <b>Licensing &amp; Regulatory Committee</b> <b>29 September 2017</b>		<b>Agenda Item No. 3</b>
<b>Title</b>	Application for a variation of the premises licence issued under the Licensing Act 2003 for Wildes Wine Bar, 7 Parade, Royal Leamington Spa, CV32 4RZ	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	6/9/2017	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 Covert Drinking Clubs Limited for Wildes Wine Bar, 7 Parade, Royal Leamington Spa.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

## 2. **Recommendation**

- 2.1 Members are asked to consider the information contained in this report and decide whether the variation application for a premises licence at Wildes Wine Bar, 7 Parade, Royal Leamington Spa, should be granted and, if so, whether the licence variation should be subject to any conditions.

## 3. **Reasons for the Recommendation**

- 3.1 Covert Drinking Clubs Limited applied for a variation of the premises licence for Wildes Wine Bar, on 8 August 2017. The premises licence variation application is to extend the current hours for the sale of alcohol and the opening hours and to provide late night refreshment and recorded music. A copy of the current licensable hours are set out in appendix 1 and the hours applied for are shown in 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*

All managers will hold a current personal licence. All staff will be advised of licensing law before they are permitted to serve alcohol.  
A record will be kept of the date and time and name of person trained and be made available for inspection by the Police or Licensing Authority.

### *Prevention of Crime and Disorder*

An alarm is installed at the premises to protect it when closed and/or empty.  
A CCTV system will be installed inside and outside of the premises.  
Managers will be trained in the maintenance and operation of the equipment.  
Door staff will be employed at the premises on Friday and Saturday evening to supervise admission and customers inside the bar.  
The bar will join the local pub watch scheme and employ the use of local radio networks.  
A zero tolerance policy to the use of drugs and carrying weapons will continue to be implemented.

### *Public Safety*

All management will carry a recognized qualification in first aid.  
There will always be a manager with this qualification on shift.  
All part time staff will be trained to a basic first aid standard with records kept and available for inspection.  
A fire detection system is installed at the premises and is fully functional, is tested regularly and available for inspection.  
A full risk assessment taking into account public safety will be carried out at the premises.

All staff will be made aware of the risk assessment and a copy of it will be kept at the premises and made available for inspection by the Police or Licensing Authority.

Staff training in fire safety will be provided.

An accident book will be kept and made available for inspection by the Police or Licensing Authority.

#### *Protection of Children From Harm*

Restrict access to children under the age of 18 from 20:00hours every day.

The admittance of children at any other time can only be permitted if they are accompanied by an adult.

Operate a strict 'No ID - No Sale' Policy, only accepting photographic driving licences, passports or PASS cards as approval as means of ID.

Prominently display the Challenge 21 promotional material.

Staff training in the age related sections of the Licensing Act 2003 will be provided to all staff.

#### *Prevention of Public Nuisance*

Windows and doors should be kept closed during any regulated entertainment to prevent noise breakout.

All doors should be fitted with self-closing devices.

Admittance or re-admittance will be restricted to the premises after 11pm.

Prominent notices will be displayed close to all exits requesting patrons to leave the premises quietly.

Prominent signs will be displayed in all external areas asking customers to keep noise to a minimum.

Use of the external areas will be restricted after 11pm.

Door supervisors should regularly monitor and manage external areas.

- 3.3 The Licensing Department have received two representations in relation to this application, these are attached as appendices 3 and 4.
- 3.4 A representation was received from Warwickshire Police, however, following the agreement of conditions the representation was withdrawn. The conditions agreed with the applicant and which will form part of any licence issued are as follows:
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 DPA.
    - g. Signed off by Warwickshire Police Architectural Liaison officer
  2. Door staff to be employed every Friday and Saturday night irrespective of closing time and to start no later than 21.00hrs.
  3. Door staff to be employed on Christmas Eve and New Year's Eve, irrespective of closing time and to start no later than 21.00hrs.
  4. DPS to make on going professional risk assessments as to whether to employ door supervisors at any other time.

5. No open vessels to leave the premises at any time.
6. Refusals book / registered to be maintained and made available for inspection on reasonable request from responsible authority.
7. Incident Handling - There will be bound books held on the premises, under the responsibility of the DPS or manager for the purposes of recording incidents that take place on the premises that shall be recorded as soon as practicable in the Incident Book. Any incident book must be made available for inspection to an officer of a responsible authority upon request.
8. Premises will be an active member of the locally approved retail radio scheme and conform to its policies and procedures.

3.5 No representations have been received from:

- Fire Authority
- 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.

**3.8 These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

#### 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.