

Summary of Application for Saint Bar, 40 Warwick Street, Leamington Spa

	Live music (Indoors)*	Recorded music (Indoors)	Performance of dance (Indoors)*	Anything similar to live & recorded music and dancing (Indoors)	Late night refreshment (Indoors)	Supply of Alcohol for consumption on and off the premises	Opening Hours of the Premises
Monday	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 05:00	10:00 to 06:00	10:00 to 06:30
Tuesday	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 05:00	10:00 to 06:00	10:00 to 06:30
Wednesday	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 05:00	10:00 to 06:00	10:00 to 06:30
Thursday	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 05:00	10:00 to 06:00	10:00 to 06:30
Friday	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 05:00	10:00 to 06:00	10:00 to 06:30
Saturday	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 05:00	10:00 to 06:00	10:00 to 06:30
Sunday	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 06:00	10:00 to 05:00	10:00 to 06:00	10:00 to 06:30

For Recorded Music, Supply of Alcohol and Opening Hours the following season variation:

New Year's Eve until the start of permitted hours on New Year's Day

*Following changes to Regulated Entertainment under the Live Music Act 2012 and The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 the below will apply to this application.

Live music – Live amplified music between the hours of 08:00 to 23:00 to an audience of less than 200 people is not licensable. All licensing conditions applicable to the control of live music on the licence would be deemed not to be in operation.

Performance of dance – The performance of dance taking place between 08:00 and 23:00 to an audience of less than 500 people is not licensable. All licensing conditions applicable to the control of performance of dance on the licence would be deemed not to be in operation.

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	Carline J Simms
Job Title	Licensing Officer
Postal and email address	Police Station, Warwickshire Justice Centre carline.simms@warwickshire.pnn.police.uk
Contact telephone number	01926 684293

Name of the premises you are making a representation about	Saint Bar
Address of the premises you are making a representation about	40 Warwick Street, Leamington. CV32 5YS

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	<p>The premises are within the current Cumulative Impact Zone of Leamington Town Centre therefore Warwickshire Police ask Warwick District Council to refuse this application.</p> <p>Warwickshire Police believes that allowing this application for a premises licence will increase Crime & Disorder in the vicinity. The premises already have premises licence in existence, but have applied via this application to extend their licensable hours.</p> <p>This area is an area hotspot for Crime and Disorder has a high footfall with a concentration of alcohol licensed premises and late night refreshment establishments. Allowing this licence will encourage patrons to remain within the area rather than making their way home giving rise to potential Public Nuisance/Public Safety until 06:30 and thereafter, stretching all authorities resources to their limit.</p> <p>Warwickshire Police request that the existing licence remain in place unchanged;</p> <p>Sale of Alcohol for Consumption On the Premises; Monday to Wednesday from 10:00 to 01:00 Thursday to Saturday from 10:00 to 02:00 Sunday from 10:00 to 00:00</p> <p>Sale of Alcohol for Consumption Off the Premises; Monday to Sunday from 10:00 to 23:00</p> <p>Live Music; Recorded Music; Performance of Dance; Other Activities of a similar description to that of live music, recorded music or performance of dance (All Indoors only) Monday to Wednesday from 10:00 to 01:00 Thursday to Saturday from 10:00 to 02:00 Sunday from 10:00 to 00:00</p> <p>Late night Refreshment; Monday to Wednesday from 23:00 to 01:00</p>

		Thursday to Saturday from 23:00 to 02:00 Sunday from 23:00 to 00:00 The opening hours of the premises; Monday to Wednesday from 10:00 to 01:00 Thursday to Saturday from 10:00 to 02:00 Sunday from 10:00 to 00:00
Public safety	Yes	
To prevent public nuisance	Yes	
To protect children from harm	No	

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.	Warwickshire Police is lodging a full objection to this application so we have no suggestions for conditions to remedy this representation.
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Warwickshire Police
Licensing Officer

Signed: Carline J Simms

Date: 22/08/2013

Police Representation Evidence
Hearing: - Saint Bar
Warwick St, Leamington Spa

Introduction

Warwickshire police would object to the issues of this license as a whole due to the evidence contained in this report. Although there are certain measures the premise may suggest, or the panel may consider as conditions, Warwickshire police would still object to the license in its entirety. Policing of the night time economy will always pull police away from residential areas, but an increase in hours, or introduction of new premise will add to that demand, and will also increase risks of disorder and ASB in the locality.

This application is also within the Special Policy area of the Cumulative Impact Zone of Leamington Spa, and therefore the panel are requested to seriously consider their own licensing policy when deciding upon issuing any extension of hours to this premises, based on levels of crime, disorder and anti social behaviour.

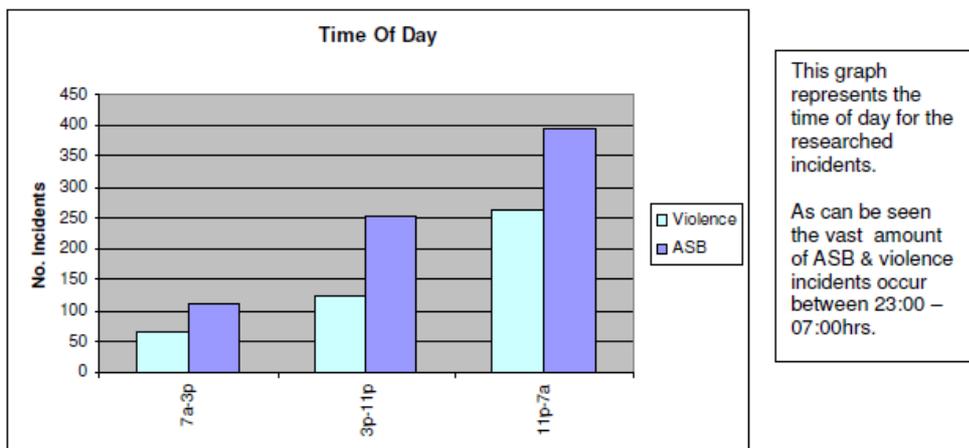
Late Night Venues

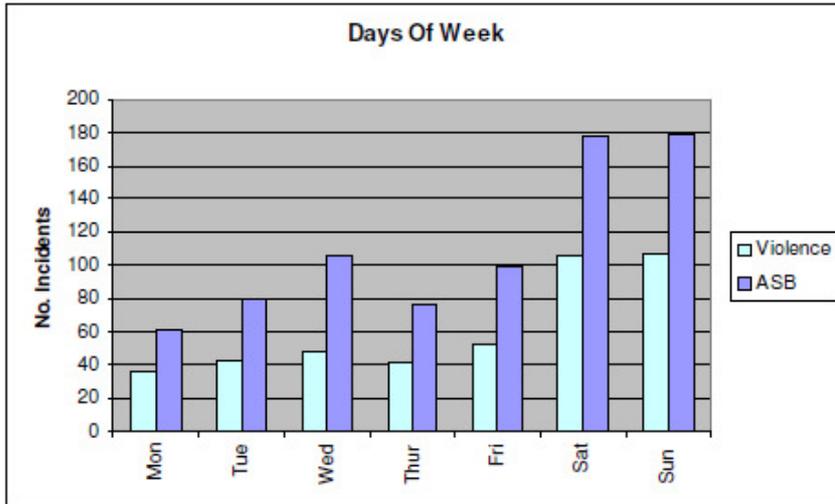
The number of late night venues in Leamington Spa are at saturation point and are very much in the hotspot locations for ASB, Violence and disorder. They may not be the sole cause for incidents that are reported to police, but the cumulative impact of the number of venues all add to the number of incidents on the streets and inside the venues. The late night venues also attract their business at the early hours of the morning when people have already consumed a large quantity of alcohol. These premises then by their pure business target group retain large numbers in the town centre, this then causes increase in noise and ASB, but are also potential flash points for disorder and violence.

Police Incident Data

From conducting a basic research of STORM incidents from 1st Mar 2012 to 31st March 2013, approximately 1300 incidents have been found. This search has been conducted under the initial call types of Violence, disorder, Rowdy, and drunks. The areas searched covered the Town Centre and Old Town. This evidence was the basis of a Dispersal Authority under the Anti Social Behaviour Act being authorised by the District Council and the Superintendent of Police, which runs until 2014.

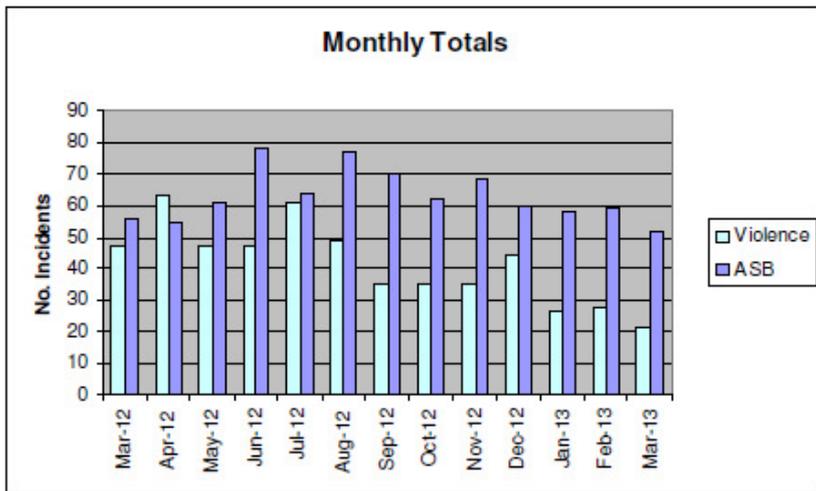
The following graphs represent statistical analysis of the previously mentioned incidents.





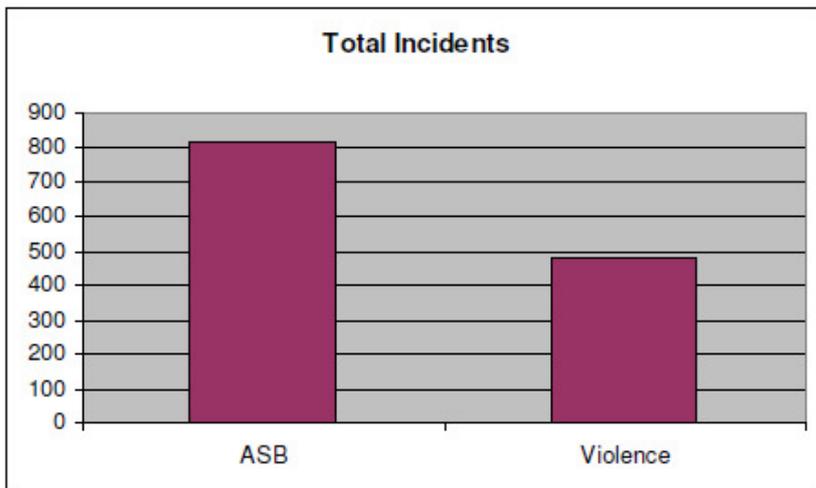
This graph represents how the calls to police are spread out over a week.

As can be seen there is a definite peak to calls over the weekend, but this is slightly misleading as many calls are in early hours, there Friday is under represented and Sunday over represented



This graph represents the month of the year when the two types of incidents occur. (ASB only for rowdy nuisance tag)

As can be seen there are peaks and troughs to incidents when taken as type of incident,



This graph represents the total amount of incidents overall for the two areas.

As can be seen the highest amount of incidents are for ASB.

Venue Specific Information

The below table lists the incidents at Saint Bar between the 1st Sep 2012 and 22nd Sept 2013. During that period there have been 41 incidents list for the premises on the police command and control system (STORM). Of those incidents they have all be scrutinised and the below list of 30 incidents are the ones that can be directly linked to the premises, the remaining 11 cannot be directly linked or are location specific when called to police.

Date	Time	Offence	Inside / Outside	Details
9/9/12	01.50	Sect 20 Assault	Inside	Fight inside bar that then spilled out onto street
16/9/12		Theft	Inside	Theft of handbag
16/9/12		Theft	Inside	Theft of handbag
5/10/12	00.30	Disorder	Outside	Male arguing with door staff at venue, who then assaults police on their arrival, and arrested
12/10/12	02.25	Disorder	Outside	Fight outside – male being restrained by door staff, no offences, minor dispute
13/10/12		Theft	Inside	Theft of purse
14/10/13		Theft	inside	Theft of mobile
28/10/12	00.25	Sect 20 assault	Inside	Assault inside premises, offender removed by door staff but not detained for police arrival
30/10/12		Theft	Inside	Theft of purse
3/11/12	03.00	Sect 39 Assault	Inside	Minor assault at works party
9/11/12	02.00	Disorder	Outside	Fight outside involving a domestic argument which door staff intervened
10/11/12	01.00	Disorder	Outside	Door staff struggling two males at door, police attend and sect 27 notices issued
24/11/12		Theft	Inside	Theft of bag
25/11/12	00.30	Disorder	Outside	Male arguing with door staff, police attend and issue sect 27 dispersal
28/11/12	00.25	Disorder	Inside	Male ejected for aggressive behaviour inside and complains to police about ejection which was lawful
23/12/12	00.10	Assault	Inside	Assault inside premises, suspects leaves in taxi, IP refuse to make a complaint to police
19/1/13		Theft	Inside	Purse
19/2/13		Theft	Inside	Theft of bag
15/3/13		Theft	Inside	Theft of jacket
27/4/13		Theft	Inside	Theft of wallet
4/5/13		Theft	Inside	Theft of purse & phone
4/5/13		Theft	Inside	Theft of phone
11/5/13		Theft	Inside	Theft of handbag
15/6/13		Theft	Inside	Theft of coat
20/6/13		Theft	Inside	Theft of mobile
5/7/13	00.50	Affray	Inside	2 x Males swinging punches at customers and staff inside bar area. Police attend and arrest males. Number of injured parties, crimed as an affray
24/7/13		Theft	Inside	Theft of phone
11/8/13		Theft	Inside	Theft of phone
4/9/13	01.00	Disorder	Inside	Unsubstantiated allegation by member of public that he had been manhandled by door staff

Venue History & geographic

Saint Bar has quite a history in Leamington as it has been previously taken to review by Warwickshire Police in March 2012 due to the amount of incidents, disorder, bad practices and lack of management. The review panel placed some changes on the venue, and the venue offered some additional conditions. These changes and offered conditions were then appealed against by the premises and the subsequent present license was agreed and ratified at Magistrates Court. Since that date the premise has had frequent meetings with police and WDC licensing to discuss any issues and highlight any incidents to the management.

Although the premises has demonstrated a will to work with Warwickshire Police since this review, it cannot be forgotten that no matter how well a premises is run, how good a management structure maybe, how well disciplined door supervisors are, the premises is within the hotspot location of the town centre, the most densely saturated location in Leamington Town centre. With that in mind it cannot be disputed that any increase in hours will effect the cumulative impact on the area. This is unfortunate for the premises, but the licensing panel must take this into consideration, and that that potential impact and harm has to outweigh any financial gain the premises may get from longer hours

Hotspot Location

The following two maps, look at specific hotspot locations for ASB incidents. They are specifically recorded between the hours of 11am – 4am.

The two maps are separated for incidents between Sun – Thurs, and those on Sat & Sunday. It can be seen from the maps that there are two specific hotspot locations at the times stated. That being Warwick St area of the Town Centre and the second being the area of Spencer St, Bath St, High St and Clemens St. This premise application is within that hotspot location displayed.

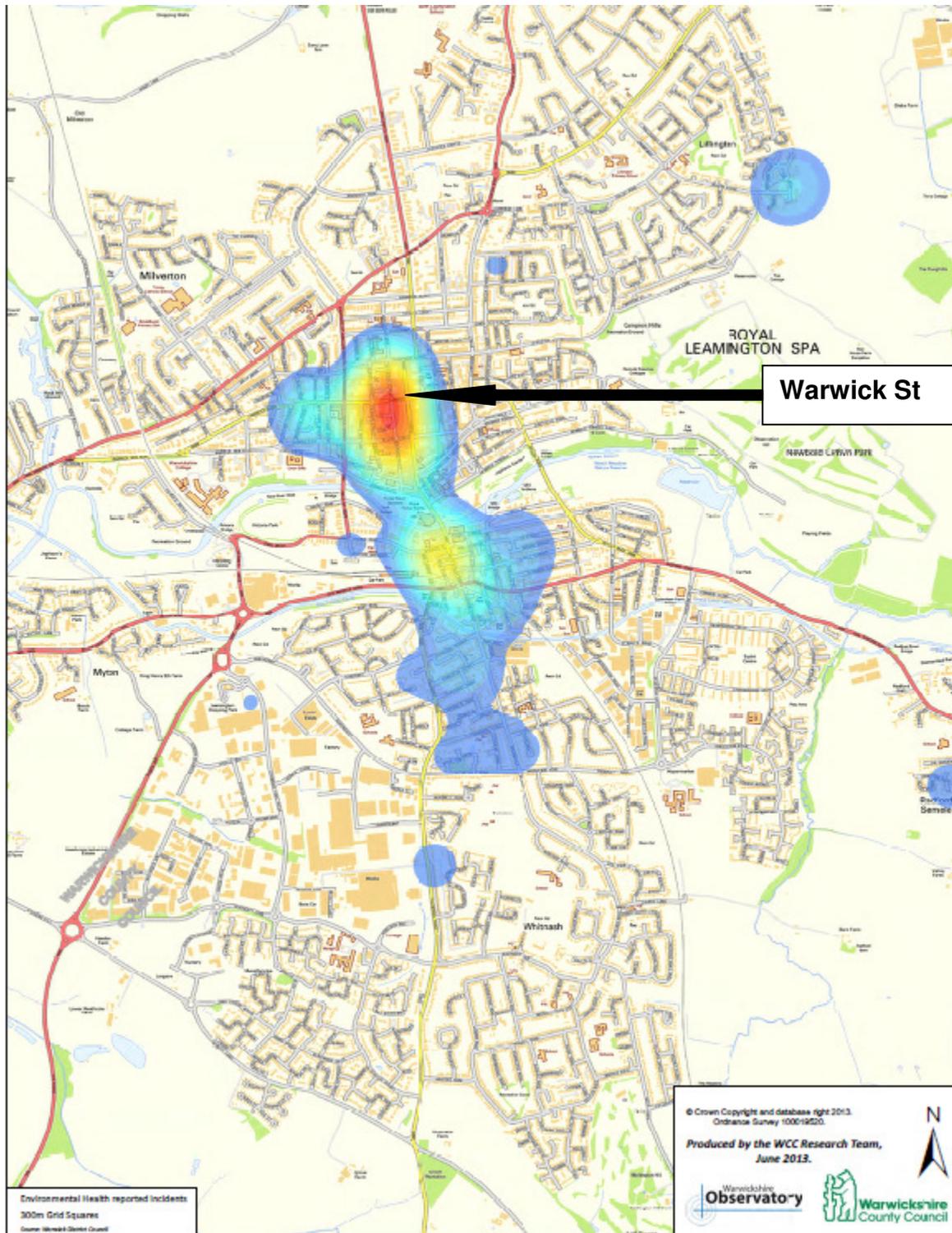
Licensed Premises

The third map displays the concentration of license premise within the town centre showing the saturation in the area, it also displays the area of the CIZ as per Warwick District Council Policy.

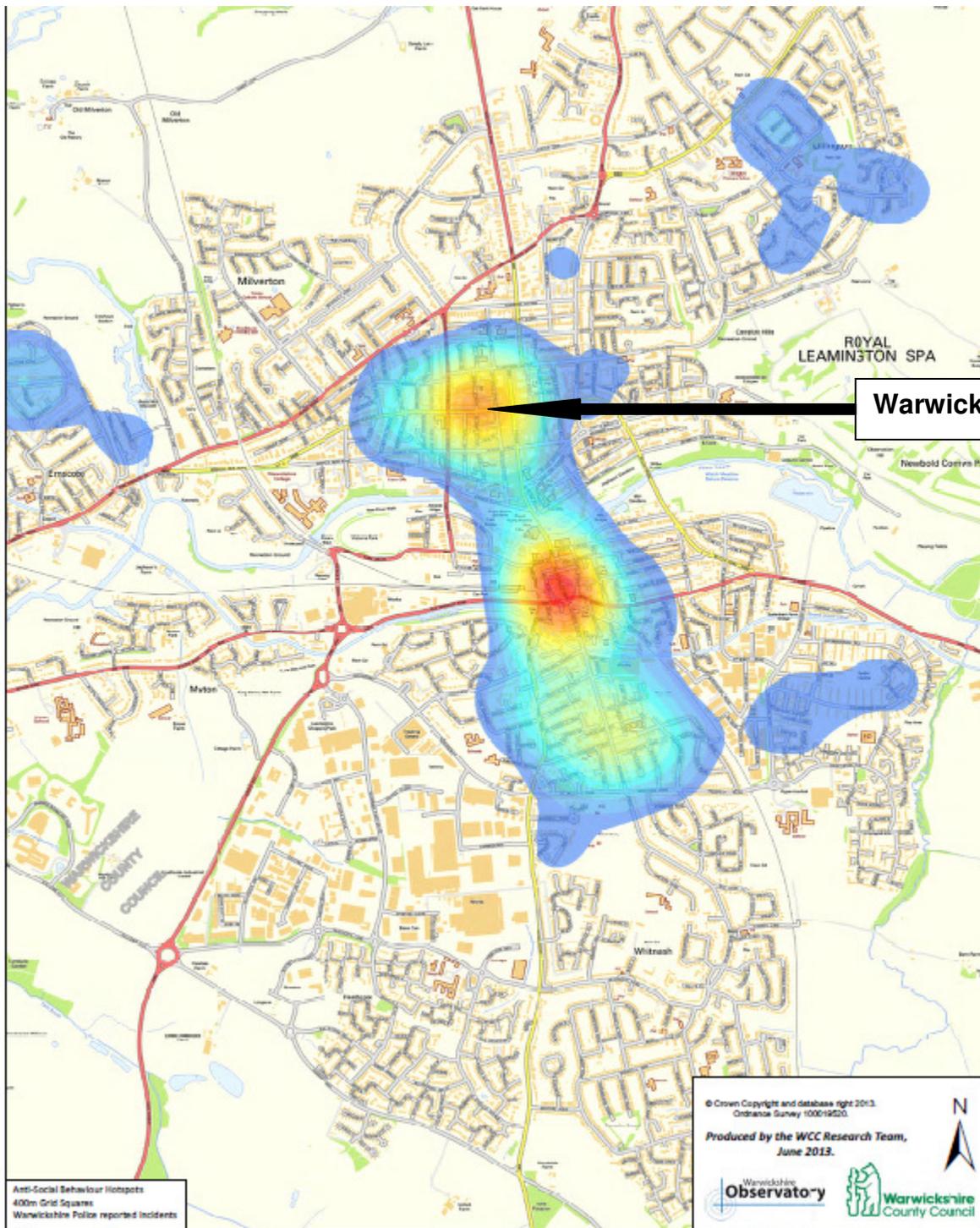
Summary

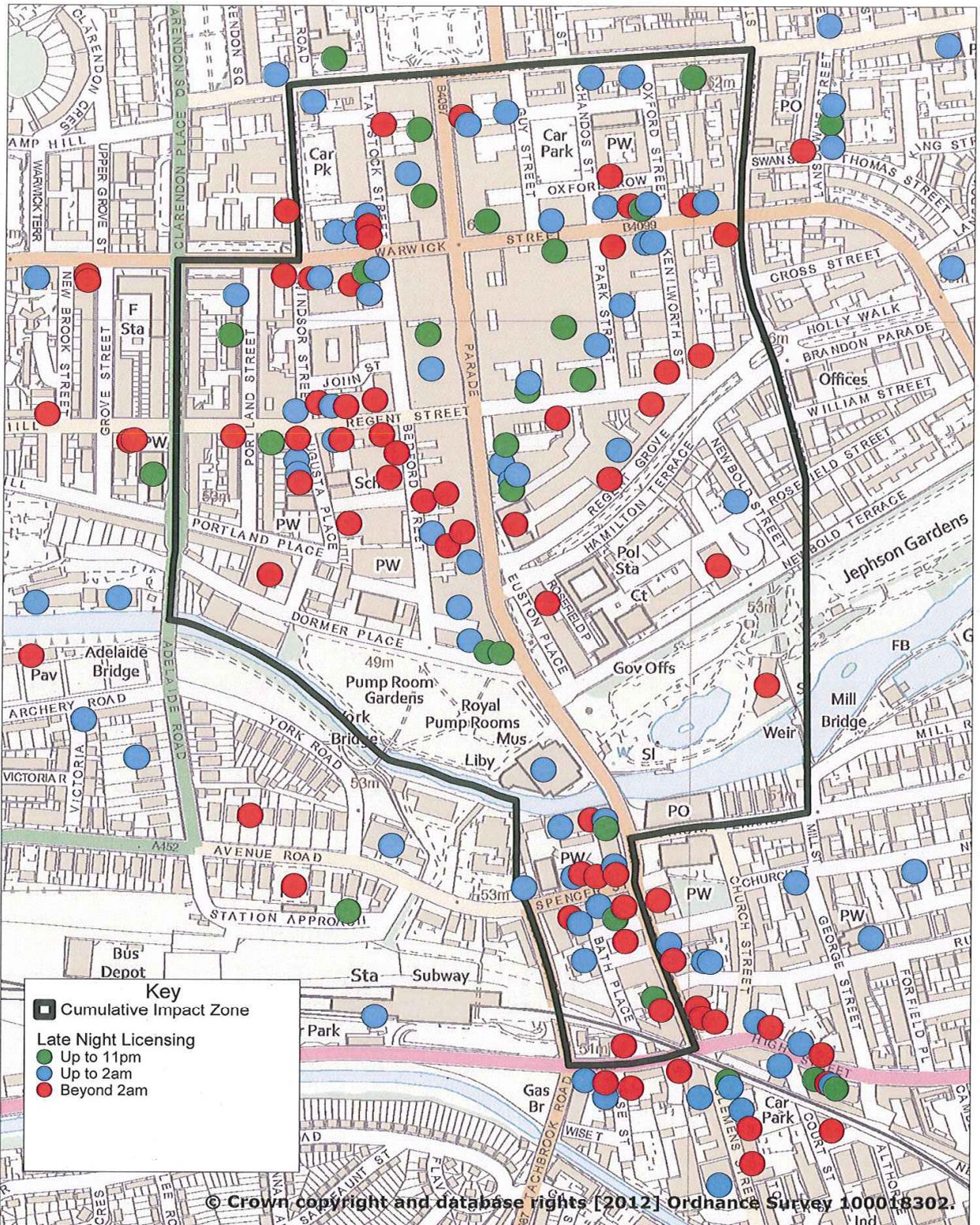
In summary, Warwickshire Polices vision and aims are to protect people from harm, therefore we recommend to the panel a full objection to the issue of this license, to prevent the increase of crime, disorder and ASB in this locality under the licensing objectives. The location and venue have been demonstrated as hotspot and high incident locations, and as such any increase in hours would add to that risk. The venue already has numerous conditions on it to promote the prevention of crime and disorder, and there are no further conditions that could be considered at this time to reduce that risk. We therefore submit this objection to the panel and urge the panel to consider the Warwick District Council Licensing Policy in conjunction with the Home Office 182 Guidance when determining the outcome.

**Leamington - Anti-Social Behaviour Hotspot
Year3 - 2012 (30th September to 9th December)
Fridays and Saturdays Only Between 11pm and 4am**



**Leamington - Anti-Social Behaviour Incident Hotspots
Year 3 - 2012 (30th September to 9th December)
Between 11pm and 4am - Excluding Fridays and Saturdays**







WARWICK DISTRICT COUNCIL
Licensing Act 2003

**REPRESENTATION FORM FROM
RESPONSIBLE AUTHORITIES**

Responsible Authority – Environmental Health, Riverside House, Milverton Hill, L/Spa, CV32 5HZ.

Your Name	Michael Jenkins
Job Title	Environmental Health Officer (Career Grade)
Postal and email address	Warwick District Council, Milverton Hill, Leamington Spa, CV32 5HZ.
Contact telephone number	(01926) 456724

Name of the premises you are making a representation about	Saint Bar
Address of the premises you are making a representation about	40 Warwick Street, Leamington Spa, CV32 5JS

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<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		
Public safety		
To prevent public nuisance	Yes	See notes over page
To protect children from harm		

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.	None
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Comments / Objections / Observations	Environmental Health object to this application
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Signed:

Date: 13th September 2013

Cumulative Impact Zone

This application for a new premises licence is within the cumulative impact zone (CIZ), an area recognised to be at saturation point for licensed premises. The premises has an existing premises licence so the new application is effectively a proposal to extend the existing licence. The proposal to extend the operating hours from 02:00 to 06:30 and associated licensable activities until 06:00 will almost certainly cause further public nuisance and disturbance to local residents from music and patrons in the street. The applicant has not adequately demonstrated that their license application will not impact upon the licensing objectives.

Patrons in the street

The application to extend operating hours will lead to an increased number of patrons on the street visiting Saint Bar at more unsociable hours, increasing the cumulative impact from noise in the street for local residents.

Smokers

The premises is adjoined by a block of residential flats, three of which overlook the entrance to Saint Bar on Warwick Street. Under the current licence and the licence applied for, Saint Bar is required to close its courtyard smoking area at 23:00. After this time the pavement outside Saint Bar on Warwick Street is used for smokers. Until closing time large groups of smokers from Saint Bar congregate on Warwick Street and the clamour of noise from voices has led to complaints of noise nuisance from residents above The Glasshouse restaurant. These complaints have been substantiated by Environmental Health Officers. If the opening hours of Saint Bar were extended this would only increase the noise disturbance to local residents.

Precedent

To grant this extension of hours could set a dangerous precedent where other licensed premises are encouraged to apply for the equivalent extended hours leaving local residents with no respite from noise in the street until they are due to get up for work.

Loud Music

In addition to our concerns regarding the increase of patrons and smokers in the street at unsociable hours. Environmental Health has a history of complaints of loud music from a residential flat adjoining Saint Bar. After a protracted period of negotiation Saint Bar sought to control the music noise by relying on a noise limiter to try to prevent nuisance in the adjoining flat. This method is never completely effective as variations in music tracks and DJ's will inevitably lead to disturbance from music and bass noise, something we received a renewed complaint about on 14/6/13. To allow an extension of hours for recorded and live music would be likely to subject adjoining residential flats to additional noise nuisance for these extended hours.

Environmental Health recommends that this licence application is refused.



Signed:

Date: 13th September 2013

Emma Dudgeon

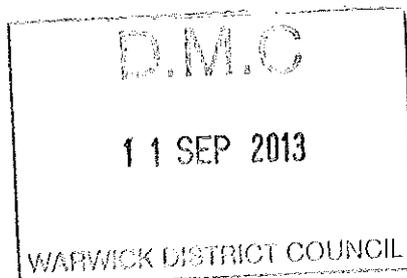
From: Michael Gociek <michaelgociek@me.com>
Sent: 30 August 2013 13:20
To: Emma Dudgeon
Subject: Re: Saint Bar

Since 2008 i have had noise issues with the st bar. Noise pollution have been called out dozens of times where it was agreed the noise was not acceptable. An extension of their licence would only make things worse. I am a man who has certain health issues. This extension would only cause me more stress etc. Also i cannot entertain trying to rent or sell my property until the noise issue with the st bar is totally resolved. Unfortunatly my apt is linked to the st bar premises & not only is it the loud music which is an issue but also the crashing of empty bottles always early hours of the morning. There is a very long file on this subject with WDC dating back to 2008. The long ques the st bar has before people are allowed to enter also is a problem as it travels all around my lounge area. St bar also allow their customers to stand on warwick st and windsor st to smoke then being allowed to enter the club again. If then i retire to my bedroom its the bass & music until early hours which is horrendous. The noise when their customers finally leave is another issue. I hope this is satisfactory as information required. From all the problems I've encountered over the years & with many conversations with the WDC i was hoping their hours were going to be cut & not extended These are the reasons for my objection that the st bar should not have any extension what so ever. Yours hopefully michaelgociek

What's on - www.warwickdc.gov.uk/events

Latest news - www.warwickdc.gov.uk/news

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David. W. Lloyd
 5 The Glass House
 Windsor Street
 Leamington Spa
 CV32 5EA

Licencing Department
 Warwick District Council
 Riverside House
 Milverton Hill
 Leamington
 CV32 5HZ

7th Sept 2013

Dear Sirs

Re: Saint Bar, Warwick St., Leamington Spa – Licence Application

I wish to strongly object to the Saint Bar Application to extend their opening hours on the following grounds.

Firstly there seems to be some misconception by the Licencing authority, that the noise nuisance problems raised previous by the Glasshouse Residents in relation to the Saint Bar have been resolved. I would like to put on record that this is most certainly not the case. The residents feel that making continual representation to the authorities on an ongoing basis regarding noise nuisance from the Saint Bar doesn't achieve anything and is a waste of their time. Secondly residents are frightened to report these ongoing problems to the authorities for fear of threats of physical violence against the person and property, by Saint Bar personnel.

In regard to the current application to extends the Saint Bar opening hours, I strongly object on the basis that it will have a major impact on the living standards of residents of the Glasshouse who will have to endure extended periods of: 1) Loud thumping music in breach of noise levels resonating around the building until 6am in the morning. 2) Noise in the street created by the Paton's both arriving and leaving the Saint Bar in the early hours of the morning who seem to find it acceptable behaviour to shout, scream and swear at the top of their voices and act in a drunken and unruly manner.

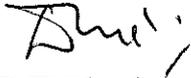
Regardless of the regulations and requirement imposed by the authorities the fact is that music levels at Saint Bar are regularly turned up from midnight onwards in breach of the permitted noise nuisance levels. The applicants know they can get away with this behaviour as they are fully aware of the closure times of the Noise Abatement Office and know that they can breach the noise level with impunity as there is no one available to deal with complaints. It has been well documented over the years that the Noise Abatement Team have evidenced numerous ongoing incidents by the Saint Bar in breach

of the noise levels but the authorities always fail to take meaningful action to resolve the problem on a permanent basis.

The Glasshouse consists of luxury apartments which are occupied by professional people, executives and young families with children and by extending the opening hours of the Saint Bar the quality of life of these residents would be subjected to further hours of repeated and ongoing anti social behaviour of the owners and patron of the Saint Bar.

Furthermore, The Saint bar has a fire escape which leads into the secure garage belonging to the Glasshouse apartments. Residents report incidents where patrons from the Saint Bar enter the garage illegally via the fire escape and undertake what looks like illicit activities. Residents report that when they come into their secure garage late at night, it is most intimidating to find the security breached by groups of patrons from the Saint Bar and by extending the opening hours can only exacerbate to this problem.

Yours faithfully



D W Lloyd
Chairman of the Management Committee

22 Augusta Place, Leamington Spa, Warwickshire, CV32 5EL
Tel: 01926-338776

Licensing Services
Warwick District Council
Riverside House, Milverton Hill
Leamington Spa, Warwickshire CV32 5HZ

8th September 2013

Dear Sir/Madam,

Licence Application: WDCPREM00767
Saint Bar, 40 Warwick Street, Leamington Spa, CV32 5JS

We would like to object to the proposed changes to the licence for Saint Bar, Warwick Street, Leamington Spa as we feel that granting it would not assist in reducing Crime and Disorder, would not improve Public Safety and would be very likely to increase Public Nuisance.

The District Council's policy to try and reduce crime and disorder and anti-social behaviour in the designated Leamington Spa Saturation Zone appears to be helping in the reduction of violent crime and anti-social behaviour. The improvements in reducing violence within the area are almost entirely due to the efforts of the Council and the Police, but Leamington still experiences levels of violent and anti-social behaviour that are unacceptably high. Special attention has rightly been given to the Warwick Street area by the police, and this bar is within the saturation zone.

Leamington's town centre has an increasing number of residents of all ages, and these residents should be able to enter and leave their home without fear of violence. They also have a right to a reasonable quality of life in their home that is not disturbed by the anti-social behaviour of the patrons of licensed premises. Our experience, of living opposite a bar for over 10 years, demonstrated that even where the management has a declared policy of 'zero tolerance' of anti-social behaviour outside their premises, this is beyond their control.

The extended hours would, in our view, inevitably result in considerable extra disturbance right through the night – until just an hour or so before residents might need to get ready to start their day.

Warwick District Council's Policy on the Saturation Zone is very relevant in this case as we believe that if this application were granted it would contribute to the cumulative impact in the saturation zone, which the Licensing Authority has stated it wishes to mitigate. We understand that this does not just apply to the number of premises but quite logically to any extra hours. It is for the applicant to prove that the later hours will improve public safety, reduce public nuisance and further reduce crime and disorder. With its history of problem behaviour in the past, it is difficult to see how Saint Bar could achieve this; on the contrary, extended hours are very likely to have a detrimental impact.

Yours sincerely,

Carolyn and Bill Gifford



Licensing Dept.

Warwick District Council

Riverside House

Milverton Hill

Leamington Spa

CV32 5HZ



139 Curly Hill

Ilkley

Yorkshire

LS29 0DS

01943 607694

11th Sept 2013

Re : Saint Bar; Warwick St; Leamington – Licence Review

Dear Mr. Davies

It has been brought to my attention that The Saint Bar on Warwick St. Has applied for an extension of its licensing hours.

You will be aware from previous correspondence that The Saint Bar poses a serious problem to the residents of The Glasshouse in Windsor St. (Enclosed a copy of correspondence from Faulkner and Co – Managing Agents from April 2012)

These problems have not gone away and the council should be more concerned with revoking the St. Bar licence rather than extending it.

I therefore object most strongly to any extension of this license and would ask the licensing authority to consider withdrawing the license after its failure to deal with the issues in Stephen Faulkner's letter of April 2012.

The council say that they have not received any recent complaints but I can assure you that this is not the case and would ask the council to deal with these problems forthwith.

My understanding is that the police were very concerned about the decision made by the council at the last appeal.

I am sending a copy of this correspondence to Christopher White – MP for this constituency to ensure that my objections and concerns reach as wide an audience as possible with regard to this very difficult matter that the council appear to be overlooking.

Your sincerely

Mrs V Halling (owner of 4 The Glasshouse, Windsor St. Leamington)

Mr D. Davies – Licence Services Manager
Licencing Department
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

19th April 2012

Dear Mr Davies

Re: Saint Bar, Warwick St., Leamington Spa - Licence Review

We have been approached by a number of residents in the Glasshouse Apartments in respect of the licence review of the Saint Bar which is currently being undertaken by the police authority. The residents have instructed Faulkner & Co., who are the managing Agents of this property to submit this formal representation on their behalf in respect of the anti social behaviour of both the Saint Bar owners and their patrons.

The Glasshouse block of apartments is situated on the corner of Warwick and Windsor Street, adjacent to the Saint Bar.

Residents of the Glasshouse have been disturbed by on going Noise Nuisance created by loud music resonating through the walls of the building very late at night since The Saint Bar took over the lease in 2007. One resident had reason to call out the Noise Abatement Team on no fewer than Eighty (80) separate occasions where noise levels were evidenced to be above the permitted level. Other residents also had cause to call out and lodge complaints with the Noise Abatement team at different times over the last few years.

The most recent incident was on The Easter Weekend this year. Loud music from the Saint Bar resonated throughout the building at a very loud volume. Unfortunately, when residents tried to contact the Noise Abatement Team it was found they were not working on that evening. It is the opinion of the residents of the Glasshouse that the owners of the Saint Bar appear to know in advance the working hours of the Noise Abatement Team and ramp up the music levels as soon as the offices are unmanned.

Some of the apartments in the block are rented out to tenants. Over the years landlords have reported that a number of the tenants have move out of the apartments due to the noise nuisance created by the Saint Bar and that from the shouting and screaming of patrons leaving the Saint Bar in the early hours of the morning.

Kirsten Page

From: Antoniou, Maria <Maria.Antoniou@eon.com>
Sent: 18 September 2013 05:01
To: Licensing
Subject: WDCPREM00767 - Saint Bar

I wish to object in the strongest terms to the above application.

My objection is based on the fact that it will be a public nuisance and increase the risk of crime and disorder.

I live at 1 the Glasshouse, Windsor Street.

The extension to the Saints Bar Operating hours will create an unacceptable level of noise.

The Saint Bar is adjacent to a residential area. It is already a problem in the area and an extension to their hours will increase the level of fights and shouting in the streets we already experience.

I am unfortunately travelling today so can not download the required form.

I also find it unacceptable that we have received no written notification of this request and I have stumbled on it by chance.

Please can you confirm receipt.

If you need to call me my number is 07860913901.

Mr I Besant
Wright Hassal LLP
Olympus Avenue
Leamington Spa
CV34 6BF

23rd August 2013

Dear Mr Besant,

**The Licensing Act 2003
Application for a premises licence
Saint Bar, Warwick**

This Service is in receipt of a copy of your application for a premises licence in respect of the Licensing Act 2003. In our capacity as a Responsible Authority under the Act, I have examined your application and am concerned that there is insufficient detail given to describe the steps you intend to take to promote the four licensing objectives.

My primary concern, as I am sure you will appreciate, is preventing the sale of alcohol to children and it is in this respect that I write to you now. There may also be implications for the prevention of crime and disorder objective.

In view of the above, I am currently minded to make representations to the Licensing Authority in respect of your application as it is our opinion that the licensing objectives will not be complied with if you were to take only those measures you have currently detailed in your operating schedule.

Consequently, I ask that you consider the licensing objectives and put forward measures that more clearly explain how you intend to promote them, particularly in preventing the sale of alcohol to children.

This Service suggests that measures covering the following elements would be beneficial to avoid underage sales of alcohol.

1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
2. A 'challenge log' recording all challenges - where both sales and refusals result.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made

Communities

Janet Faulkner
Group Manager
Trading Standards Service
Old Budbrooke Road
Warwick CV35 7DP
Tel: 01926 414040
Fax: 01926 414014
tradingstandards@warwickshire.gov.uk
www.warwickshire.gov.uk

If calling ask for: **Simon Coupe**
Direct Line: **01926 414024**
Direct Fax: **01926 414022**
Email: simoncoupe@warwickshire.gov.uk

Ref:

4. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.

If you are willing to include additional measures, please confirm in writing, to both this Service and the Licensing Authority, what these additional measures are and that you want your operating schedule amended to reflect these measures.

Yours sincerely

Simon Coupe
Compliance Team Leader

Copy to Warwickshire Police, Licensing Authority

Emma Dudgeon

From: Simon Coupe <simoncoupe@warwickshire.gov.uk>
Sent: 05 September 2013 08:51
To: Suzanne Oatley
Cc: Emma Dudgeon
Subject: Re: Saint Bar - Application for the grant of a new Premises Licence application

Dear Ms Oatley,

Thank you for your prompt response.

The points you have included address my concerns regarding the licensing objective to protect children from harm.

Regards

Simon Coupe

Mr Simon Coupe
Team Manager - Compliance
Warwickshire County Council
Trading Standards Service
Old Budbrooke Road
Warwick
CV35 7DP

=====
Tel: 01926 414024

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On 4 September 2013 16:42, Suzanne Oatley <Suzanne.Oatley@wriighthassall.co.uk> wrote:

Dear Mr Coupe

Further to your letter of 23rd August 2013 we confirm that the Applicant agrees that in order to strengthen the operating schedule in respect of how the licensing objectives will be promoted he agrees for the proposed conditions listed below be added to the Premises Licence if granted.

1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
2. A 'challenge log' recording all challenges - where both sales and refusals result.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made
4. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.

I confirm that a copy of this email has been forwarded to the Licensing Authority.

Regards

Suzanne Oatley

Employment and Licensing Department

T: 01926 884615

E: suzanne.oatley@wright Hassall.co.uk

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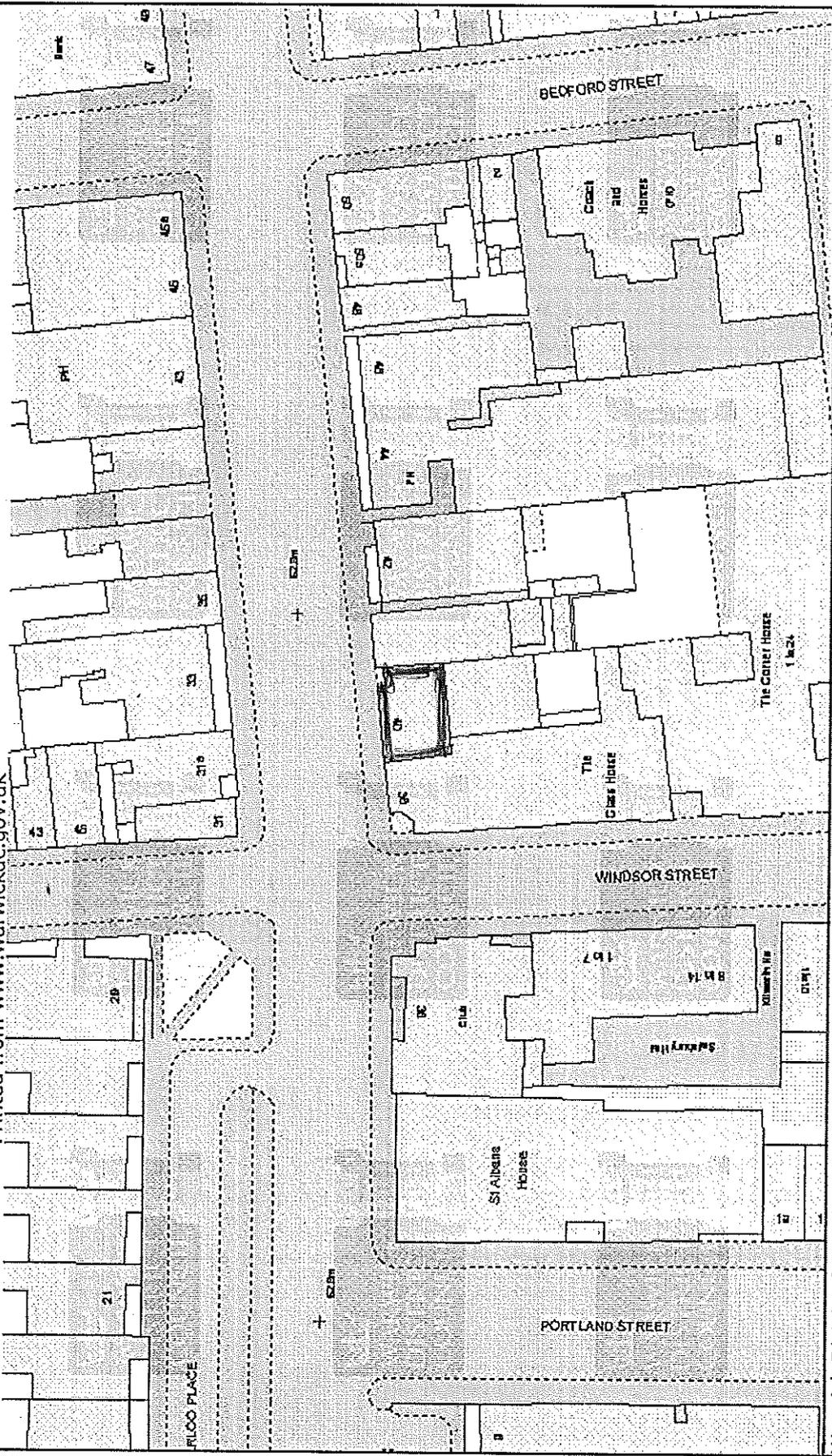
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Warwick District Council, 100018302 2009



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

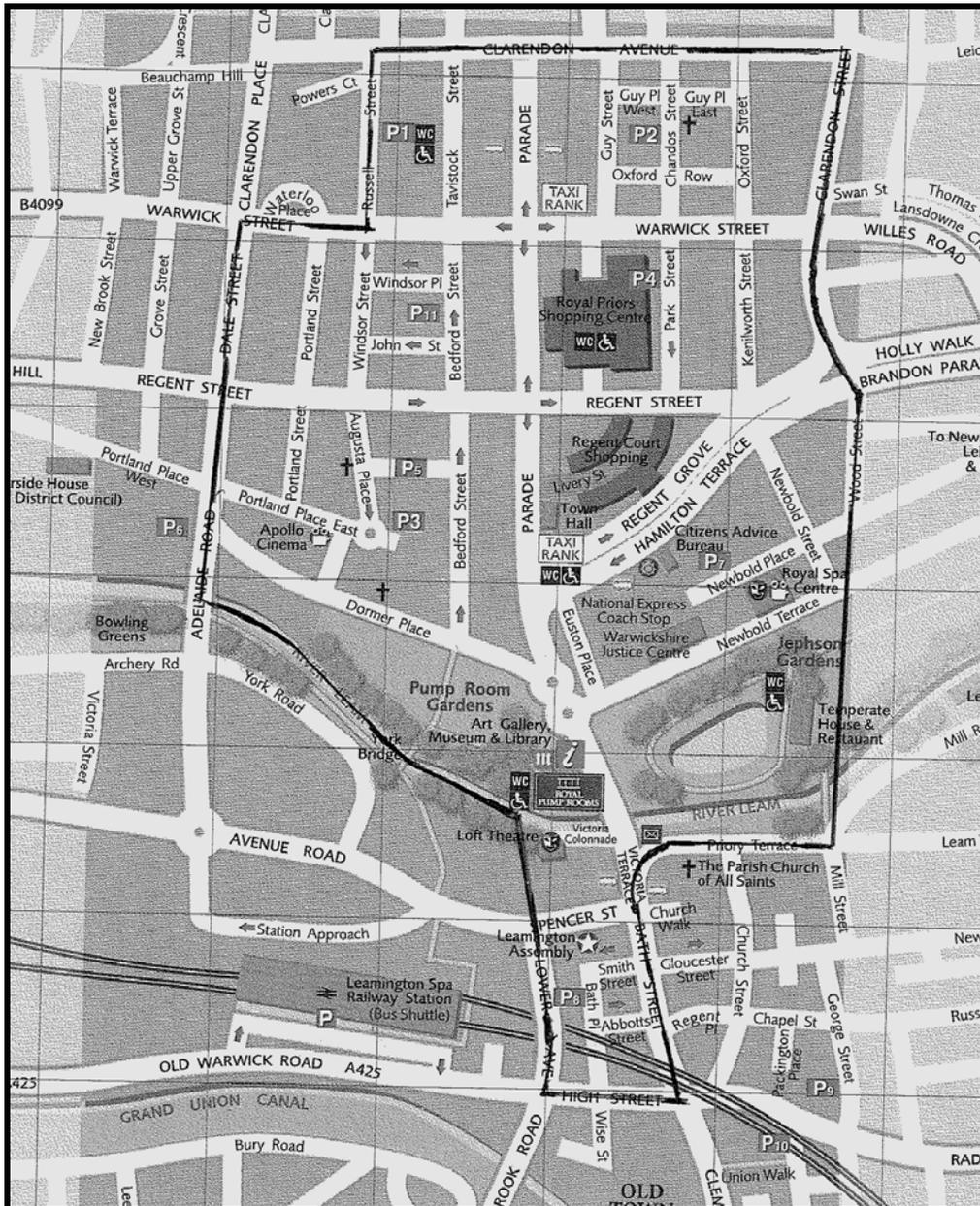
- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

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.