Licensing Act 2003 Representation Form	

Section 1 - Application Details	
I object to the following Application:	
Applicant's name (if known):Turtle Bay Restaurant Premises name and address: Unit 11, 17-19 Livery Street, Regents Court, Leamington Spa, CV32 4NG	
Application for a	Premises Licence..... X
Application Number	WDCPREM00782

Organisation name if applicable	Jerry Weber, Warwick District councillor
Please state nature of representation: I am District councillor for Leamington Clarendon. The applicant's premises is in my ward. I have also been in discussion with Regent Court's Residents Association regarding this application	

Section - Objection Details	
My objection is relevant to the following licensing objective:	☐ Prevention of public nuisance.

[X] I object to the application being granted in it's current form

My objection is based on the following:

I do not object to this premises being offered an alcohol premises license as a restaurant. On the other hand, I am concerned that the operator, Turtle Bay is as much of bar operation as a restaurant.

I would urge the Panel to make a visit to Turtle Bay in Leicester or Nottingham to gain first hand understanding of the nature of these premises.

Turtle Bay is not an A3 establishment

Turtle Bay is not a restaurant establishment. It is a restaurant/bar and as a consequence will have a detrimental effect on the local area, its residents and will contribute to public nuisance.

The wider plans by the owners of Regent Court to transform the area from predominantly class A1 to class A3 (planning application W/13/1578) and the application for these premises for change of use from class A1 to class A3 (planning application W/13/1339) do not indicate that the premises will be a restaurant/bar.

The applicant is clearly not applying for an "A3 Restaurants and cafes are establishments for the sale of food and drink for consumption on the premises – restaurants, snack bars and cafes". It is clear that Turtle Bay as a restaurant/bar chain is more likely to fall under "A4 Drinking establishment – Public houses, wine bars or other drinking establishments."

In the "licensing pack" that has been offered by Turtle Bay, they indicate on page 7 that they require permission for "A3 with Ancillary bar". This application is for a Restaurant only.

In order to illustrate this, I quote from Trip Adviser: "My partner and I went to the restaurant on Saturday night. When we got there it was packed in the front area with the bar in it but we were taken to a cosy raised back area with fairy lights and candles in which we ate our food. We were pleased that this area was designated away from the bar area."

I would ask the Panel to give due consideration on this point and question whether turtle Bay is a restaurant or a restaurant/bar.

The layout of the premises also offered in their "licensing pack" shows 136 seats and tables with 43 devoted to bar seating. In addition to this there is ample space for standing at the bar. At a conservative estimate that means that 32% of the seating devoted to drinking only and that does not take into account standing at the bar.

This arrangement will be unique in Livery Street and should be restricted. The current premises in Livery Street, Strada and Nandos do not have separate bars and customers do not sit or stand at the bar in either establishments.

I recommend that no drinks will be sold to customers unless they are seated at a table for food or are waiting to be seated at a table where they will be served food. This will prevent unnecessary drinking. It will also reduce drunkenness and prevent any additionioanl problems within the Cumulative Impact Zone.

Off Premises License

The applicant has applied for an off-premises license. **I object to this and ask that this aspect of the application is refused.**

Late Night Refreshment

No application for outside dining and drinking has been applied for by the applicants.

I must ask that the Panel does not allow any "outside activity" within the cartilage of the premises. The applicant has asked for a license until 2330. May I ask that this is entirely restricted to 2330 and that customers must leave the premises by this time.

Drinks Promotions

Other Turtle Bay premises offer Happy Hour 2 for 1 drinks.

To quote trip Adviser: "There's a real party like chilled happy feel in the restaurant, we could sit there all night drinking their amazing cocktails which are 2 for 1 from 10 pm." "Happy Hour is good with 2 for 1 cocktails"

I ask the Panel to consider not allowing drinks promotions such as this to be advertised within or outside the premises.

General (2) "The premises supervisor, manager or other competent person shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner."

I must ask the Panel to consider that no activity in allowed in any outside area. I would recommend that the premises supervisor, manager or other competent person role is only to control the safe and reasonable departure of customers bearing in mind the right of residents to have peace and quiet in the street after 2330.

General (10) The external seating area to be cleared of customers by 23:00 other than customers smoking.

In order to prevent a public nuisance, I would ask that there is no provision for an external seating area.

An external seating should not be allowed for these premises. Turtle Bay has a reputation as a very lively restaurant. I would like the Panel to consider comparing this proposal with Strada which also has external seating. Residents have informed me that there is very little nuisance from external seating in Strada as the restaurant is quite far away from residents and the customer profile of Strada is older and less party going than Turtle Bay.

In order to illustrate this, I will quote from Trip Adviser regarding Turtle Bay. I quote:

"Me and my friends went to Turtle Bay on a Tuesday night. It was busy with a lively atmosphere and Caribbean music lifted the vibe."

"It's more lively than your average restaurant with great tunes and a cocktail bar..... Don't come here for a quiet night but great if you are looking for somewhere lively and different."

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street

Licensing Act 2003 Representation Form

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):
Turtle Bay Restaurants Ltd.

Premises name and address:
Unit 11, 17-19 Livery Street, Regents Court, CV32 4NG

Application for a	Premises Licence..... X
Application Number	WDCPREM00782

Section 2 - Objector details

Individual Objectors Details:
If you are objecting as a representative go to the next section

Applicant Title	Mr ☐ Mrs ☐ Miss ☐ Other_____
Surname	
First name(s)	

Address (incl postcode):

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	Royal Leamington Spa Town Council

Please state nature of representation:

The Town Council raised an objection for the following reason:

The Council considered that the granting of a license would increase the risk of unacceptable disruption and noise which would adversely impact on the occupants living in residential properties in the immediate area. It may also result in the premises becoming predominantly a bar rather than a restaurant.

Section - Objection Details	
My objection is relevant to the following licensing objective: ***You can tick more than one box***	X Prevention of crime and disorder. X Prevention of public nuisance. ☐ Protection of children from harm. ☐ Public safety

	I object to the application being granted at all
X	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

If the Licence be approved then the Council recommends that the following conditions are imposed:

1. The provision of service to tables by waiters / waitresses.
2. Alcohol only to be served with substantial meals.
3. Opening hours should be reasonable and should not be extended.

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.
Please attach supporting documents / further pages as necessary - Please number all extra pages

These premises are currently situated in a retail area with residential properties above. The establishment of a restaurant in place of the retail unit will increase the risk of unacceptable disruption and noise which would adversely impact on the occupants living in residential properties in the immediate area.

Signed.....Royal Leamington Spa Town Council.....
Date...3rd December 2013.....

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will

Licensing Act 2003 Representation Form	

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):Turtle Bay Restaurant

Premises name and address:Unit 11, 17-19 Livery Street, Regents Court, Leamington Spa, CV32 4NG

Application for a	Premises Licence..... X
Application Number	WDCPREM00782

Organisation name if applicable	

Please state nature of representation:

I am a resident of Regents Court

Section - Objection Details

My objection is relevant to the following licensing objective:	☐ Prevention of public nuisance.

[X] I object to the application being granted in it's current form

I understand the need for a license for alcohol as a restaurant, however Turtle Bay is bar operation restaurant and therefore attracts drinkers rather than diners

Reviewing the website for Turtlebay shows this as being a bar with live music with equal numbers of images of people drinking at tables rather than dining and live music This establishment is in a 95% residential area and will attract drinkers and will cause a public nuisance.

The application also includes the provision of drinking on and off the premises allowing drinkers and smokers to congregate outside. The nature of Regent Court is that there are tall buildings on both sides which causes the magnification of noise. Being a 95% residential area, the noise levels will create nuisance, the smoking a health hazard (the flats facing into Livery street on the one side are directly above the shops and only have front facing windows. These are the only source of ventilation meaning that people smoking below will cause a passive smoking environment to flats above).

The applicant has not requested planning permission for outside seating and therefore granting a license for alcohol consumption on or off the premises can only be for smokers and drinkers.

I object to this and ask that this aspect of the application is refused.

In the "licensing pack" that has been offered by Turtle Bay, they indicate on page 7 that they require permission for "A3 with Ancillary bar". This application is for a Restaurant only.

I would ask the Panel to give due consideration on this point and question whether turtle Bay is a restaurant or a restaurant/bar.

The layout of the premises shows there is a large space devoted for standing at the bar, thus this is a bar activity rather than a restaurant – all other restaurants in Livery street do not have standing bars but restaurant seating

I request that the license be restricted to diners only. This should help reduce anti-social behaviour and attracting drinkers rather than diners to a residential area

The applicant has asked for a license until 11:30pm and I request that no extension be granted to this – this is a residential area

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will

110/17-300
TURTLE BAY
LEAMINGTON SPA
UNIT 11 REGENTS COURT
17-19 UPPER STREET
LEAMINGTON SPA, WARWICKSHIRE
CV32 4AG
GROUND FLOOR
LICENSING LAYOUT
FOR APPROVAL
FUSION
110/08-300-GROUND FLOOR LICENSING LAYOUT
SCALE IN METRES
0 1 2 3 4 5
MAIN ENTRANCE
MAIN COORDINATION
OPEN KITCHEN
OPEN PASS
RODIZIO GRILL
WATER
PREP
WASH UP
HATCH
DERICE
ICE MACHINE MAIN
BEVERAGE SCREENS
ISLAND BAR SCREENS
VERANDAH
WAITER
MAGIC
DISABLED SEATING
LOW PARTITION
FIRE ESCAPE
FIRE ESCAPE CORRIDOR
STORE
DIS WC
FEMALE WC
MALE WC
STAFF ROOM
STAFF WC
FREEZER
FRIDGE
CELLAR
REFUSE STORE
DUCT RISER
COVERS:
DINING COVERS: 102
EASY SEATING: 13
HIGH STOOLS: 45
INTERNAL - 160
EXTERNAL - 32
Notes
KEY TO SYMBOLS
KEY TO AREAS


Warwick District Council, 100019
Current Scale (1:1500)

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

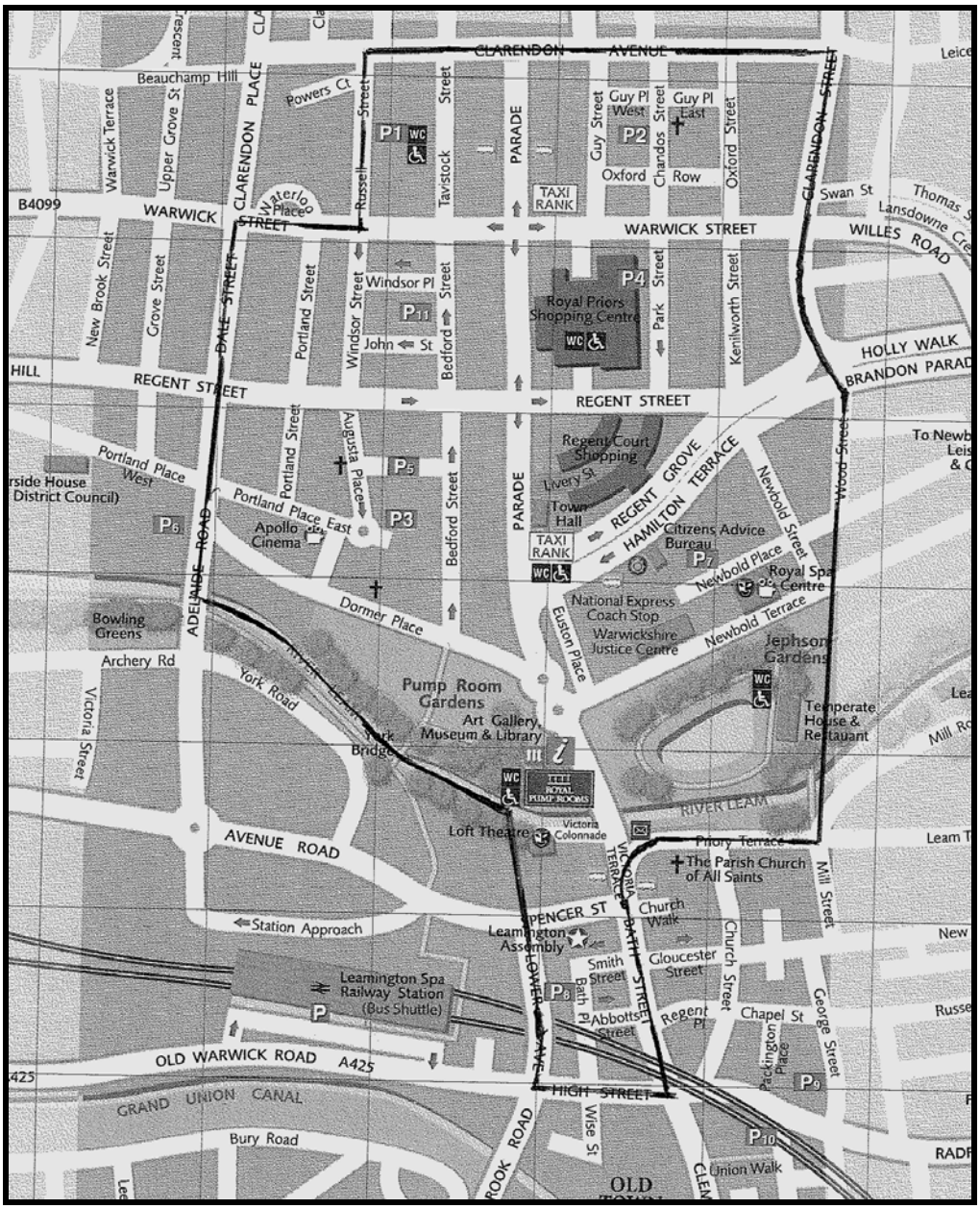
7. Special Policy Regarding Cumulative Impact

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.