

# Licensing & Regulatory Panel

Friday 29 September 2017

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A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Friday 29 September 2017 at **10.00am**.

Membership: Councillors Ashford, Gill and Illingworth.

## Emergency Procedure

At the beginning of the meeting the emergency procedure for the Town Hall will be announced.

## Agenda

1. **Appointment of Chair**

To appoint a Chair for the meeting.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Application for a variation of the premises licence issued under the Licensing Act 2003 for Wildes Wine Bar, 7 Parade, Royal Leamington Spa, CV32 4RZ**

To consider a report from Health & Community Protection **(Pages 1 to 39)**

Published Thursday 21 September 2017

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk)

Enquiries about specific reports: Please contact the officer named in the report.

Details of all the Council's committees, councillors and agenda papers are available via our website [www.warwickdc.gov.uk/committees](http://www.warwickdc.gov.uk/committees)

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

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

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

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	6/9/2017	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps:</b> N/A		

## 1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for the variation of a premises licence from Covert Drinking Clubs Limited for Wildes Wine Bar, 7 Parade, Royal Leamington Spa.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

## 2. **Recommendation**

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

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

- 3.1 Covert Drinking Clubs Limited applied for a variation of the premises licence for Wildes Wine Bar, on 8 August 2017. The premises licence variation application is to extend the current hours for the sale of alcohol and the opening hours and to provide late night refreshment and recorded music. A copy of the current licensable hours are set out in appendix 1 and the hours applied for are shown in appendix 2.
- 3.2 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

### *General*

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

### *Prevention of Crime and Disorder*

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

### *Public Safety*

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

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

Staff training in fire safety will be provided.

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

#### *Protection of Children From Harm*

Restrict access to children under the age of 18 from 20:00hours every day. The admittance of children at any other time can only be permitted if they are accompanied by an adult.

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

Prominently display the Challenge 21 promotional material.

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

#### *Prevention of Public Nuisance*

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

All doors should be fitted with self-closing devices.

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

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

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

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

Door supervisors should regularly monitor and manage external areas.

- 3.3 The Licensing Department have received two representations in relation to this application, these are attached as appendices 3 and 4.
- 3.4 A representation was received from Warwickshire Police, however, following the agreement of conditions the representation was withdrawn. The conditions agreed with the applicant and which will form part of any licence issued are as follows:
1. CCTV to be installed and the premises licence holder must ensure that :-
    - a. CCTV cameras are located within the premises to cover all public areas.
    - b. The system records clear images permitting the identification of individuals.
    - c. The CCTV system is able to capture a minimum of 12 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
    - d. The CCTV system operates at all times while the premises are open for licensable activities'. All equipment must have a constant and accurate time and date generation.
    - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
    - f. Downloads will be provided to the Police upon reasonable request in line with the DPA.
    - g. Signed off by Warwickshire Police Architectural Liaison officer
  2. Door staff to be employed every Friday and Saturday night irrespective of closing time and to start no later than 21.00hrs.
  3. Door staff to be employed on Christmas Eve and New Year's Eve, irrespective of closing time and to start no later than 21.00hrs.
  4. DPS to make on going professional risk assessments as to whether to employ door supervisors at any other time.

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

3.5 No representations have been received from:

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

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

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

#### 4. Policy Framework

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

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

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

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

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

5. **Budgetary Framework**

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

6. **Risks**

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

## Premises Licence

**Wildes Wine Bar,  
7 Parade,  
Leamington Spa,  
Warwickshire,  
CV32 4DG**

*Premises Licence number*    **WDCPREM00232**

*The times the licence authorises the carrying out of permitted licensable activities*

**Sale Of Alcohol For Consumption On And Off The Premise**  
**Weekdays, other than Christmas Day, Good Friday, or New Year's Eve,**  
**10:00 to 23:00.**  
**Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30**  
**Good Friday 12:00 to 22:30**  
**Christmas Day, 12:00 to to 15:00 and 19:00 to 22:30**  
**New Year's Eve, except on a Sunday, 10:00 to 23:00**  
**New Year's Eve on a Sunday, 12:00 to 22:30**  
**New Year's Eve from the end of permitted hours on New Year's Eve to**  
**the start of permitted hours on the following day (or, if there are no**  
**permitted hours on the following day, midnight on 31 December).**

**Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for the consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.**

**The above restrictions do not prohibit:**

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;**
- (b) during the first twenty minutes after the above hours, the taking of alcohol from the the premises unless the alcohol is supplied or taken in an open vessel;**
- (c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for the consumption as ancillary to the meals;**
- d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;**
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;**
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;**
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;**

**(h) the taking of alcohol from the premises by a person residing there;  
or**

**(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or**

**(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.**

**The opening hours of the premises**

**The premises maybe open for non-licensable activities at times other than those stated.**

**DO NOT COPY**

Variation Application

	Sale of alcohol for consumption on the premises	Recorded Music (Indoors) *	Late Night Refreshment (Indoors)	Opening Hours
Monday	12:00 to 23:00	N/A	N/A	10:00 to 23:00
Tuesday	12:00 to 00:00	N/A	23:00 to 00:00	10:00 to 00:00
Wednesday	12:00 to 00:00	N/A	23:00 to 00:00	10:00 to 00:00
Thursday	12:00 to 00:00	21:00 to 00:00	23:00 to 00:00	10:00 to 00:00
Friday	12:00 to 00:00	21:00 to 00:00	23:00 to 00:00	10:00 to 00:00
Saturday	12:00 to 00:00	21:00 to 00:00	23:00 to 00:00	10:00 to 00:00
Sunday	12:00 to 23:00	N/A	N/A	10:00 to 23:00

\* Between the hours of 08:00 and 23:00, when recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

## Emma Dudgeon

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**From:**  
**Sent:** 04 September 2017 19:06  
**To:** Licensing  
**Subject:** Premises Licence Application WDCPREM00232 (Wilde's)

To Licensing Dept at WDC.

Representations and Comments on Premises Licence Application WDCPREM00232.

**From** 9 neighbours from the buildings attached to the Applicant's premises. (See foot of this representation.)

"Wilde's Wine Bars Ltd – Variation of Hours"

Closing date for representations 6th September 2017.

Wilde's Wine Bar, Lower ground Floor, 7 Parade, Leamington Spa, Warwickshire, CV32 4DG.

Wilde's understates the scope of its application in the title "Variation of Hours" (Objection)

Wilde's is actually applying to play music and extend the opening hours by 1 hour most days.

Wilde's is applying to stay open 1 hour later until 30 minutes after midnight including "drinking up time" on Tuesdays to Saturdays.

Wilde's is applying to stay open ½ hour later until 23:30 hours including "drinking up time" on Sundays, all as follows:

### SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES

As per Application but not including "Drinking Up time"):

Sunday proposal 12:00 to 23:00 (was 12:00 to 22:30) i.e. 30 minutes later.  
 Monday proposal 12:00 to 23:00 (was 10:00 to 23:00) no change at night.  
 Tuesday proposal 12:00 to MIDNIGHT (was 10:00 to 23:00) 1 hour later  
 Wednesday proposal 12:00 to MIDNIGHT (was 10:00 to 23:00) 1 hour later  
 Thursday proposal 12:00 to MIDNIGHT (was 10:00 to 23:00) 1 hour later  
 Friday proposal 12:00 to MIDNIGHT (was 10:00 to 23:00) 1 hour later  
 Saturday proposal 12:00 to MIDNIGHT (was 10:00 to 23:00) 1 hour later

And as per Application but including "Drinking Up time":

Sunday proposal 12:00 to 23:30 i.e. 30 minutes later.  
 Monday proposal 12:00 to 23:30 i.e. no change at night.  
 Tuesday proposal midday to MIDNIGHT:30 1 hour later  
 Wednesday proposal midday to MIDNIGHT:30 1 hour later  
 Thursday proposal midday to MIDNIGHT:30 1 hour later  
 Friday proposal midday to MIDNIGHT:30 1 hour later  
 Saturday proposal midday to MIDNIGHT:30 1 hour later

Current situation August 2017:

Noise Breakout late at night from combined rear of:

1. Oriental Star at 9, Parade
2. Wilde's at 7, Parade

Consisting of:

People having conversations frequently late at night.

Crashings of spent glass bottles being tipped into empty metal refuse wheelie bins frequently up to well past midnight, e.g. (as heard from rear of William House, 3/5 Parade (next door to Wilde's):

25 August: Crashing bottles at 22:45, 23:20, 00:08. 00:18 and 01:00 hours.

26 August: Crashing bottles at 19:30, 22:15, 22:28 hours

29 August: Crashing bottles at 22:40 hours.

30 August: Crashing bottles, 3 times in rapid succession at 23:27 hours.

31 August: Crashing bottles at 23:36 and 23:37 hours.

1 September Crashing bottles at 22:09, 22:28 (2 crashes), 23:04 hours

2 September Crashing bottles at 00:16 hours.

Noise Breakout early morning from combined rear of:

1. Oriental Star at 9, Parade
2. Wilde's at 7, Parade

Time: 06:45 to 08:15, every morning regularly at or before 07:00 hours.

Noise Source: Fortress refuse truck arrives in reverse gear to take away the empty/broken bottles from the metal wheelie bin(s). There is a crashing as the bin(s) are hydraulically manipulated into position and the glass bottles dumped into the truck. The glass refuse is then subjected to two crashing crushing cycles within the truck. Driving the whole operation is the refuse truck's diesel engine which emits considerably more noise during the crashing crushing operation. The refuse truck then accelerates forwards continuing the disturbance to the early morning tranquillity.

Relevance to this Application

Prevention of public nuisance

Objection

The above data will be sent to the WDC Environmental Health Department. It is included in this representation because the noise disturbance will be increased beyond the already unacceptable level should Wilde's Application for extended hours and music be granted.

William House at 3/5 Parade (next door to Wilde's) and George House at 1, Parade were converted to apartments circa 2003/2005 and sold 2005-2007. Before that time, both Oriental Star and Wilde's had already been granted their premise licences and so the crashings of broken bottles, the music from Oriental Star and late night noisy comings and goings of catering and people were not issues with anyone because there were no residential buildings closer than Chandos Court in Chandos Street on the other side of Chandos Street Car Park.

In August 2017, the situation is different.

To the rear of Oriental Star at 9, Parade, and Wilde's at 7, Parade is an area resembling a courtyard echo chamber which is bordered and overlooked by residential bedrooms, all approved by the WDC planning system, as follows:

1. Lotus Moon Thai Cuisine (was Chico's) in Guy Street, 2 rear facing bedrooms,
2. Villiers house, Clarendon Ave & Guy Street, 20 rear facing bedrooms,
3. George House, 7 rear facing bedrooms.
4. William House, 16 rear facing bedrooms,
5. The planning applications W/17/1206 & 1207 are of a conversion above Wilde's at 7, Parade of 6 flats comprising 8 rear facing bedrooms.

That is 53 bedrooms in all, all overlooking the noisy late night crashings of bottles, the late night music and people and the early morning every morning Fortress refuse trucks

The total 53 is obtained from a study of the plans of buildings 2, 3, 4 and 5.

To the front of Oriental Star at 9, Parade, and Wilde's at 7, Parade is a (growing) residential area consisting of an estimated 16 or more bedrooms above 2-10 Parade. There are also 6 front facing bedrooms in George House, 7 front facing bedrooms in William House and 2 front facing bedrooms in the conversion plan to the upper floors of 7, Parade. Total 31 front facing bedrooms. During the night through to 06:45, Upper Parade is quiet. Any sound of people talking (especially shouting) from the Warwick Road – Parade cross-road can be heard in the front facing bedrooms if the windows are open because the high buildings with their hard facings act like an echo chamber. Anyone shouting late at night in the Upper Parade can be clearly heard inside the front facing bedrooms with the windows shut. Any extension of opening hours according to this Application will exacerbate the problem for a longer period into the night.

Next door, through the party wall shared with Wilde's on the lower ground floor, are the bedrooms of Apartments 3 and 4 of William House at No.3/5 Parade.

On the floor above Wilde's ceiling are situated the bedrooms and living rooms of the newly converted Flats 1 and 2 on the ground floor. Above these flats are the Flats 3 to 6 which occupy the remainder of the building at 7 Parade which is shared with Wilde's. The flat conversions form part of Planning Applications W/17/1206 and W/17/1207, neither of which has been approved at the time of writing (31 Aug 2017).

Wilde's Premises Licence application WDCPREM00232 proposes an extension to the licensing hours to half past midnight including drinking up time.

Wilde's has applied for an extended licensing time whereby people may come and go up to well gone midnight when

many of the residents in this now residential area have jobs to go to early in the following morning. There are now some 84 bedrooms (including the 10 from above Wilde's in the same building) within close and direct earshot of Wilde's and Oriental Star. The application extension may add to what is already a public nuisance.

Objection.

We understand that it is everyone's human right to a decent night's sleep. . Any extension to licensed hours or music will cause more nuisance to the Upper Parade residents. We need considerably less noise breakout through reduction of licensing hours and less music than at present from the combined two premises at Wilde's and Oriental Star. We also shall be communicating with the WDC Environmental Health Department on the crashing of empty bottles into metal wheelie bins and the collection of same early in the morning (every morning) before many of the residents wish to be awakened. Hopefully the bottle noise is merely a result of thoughtlessness, possibly on the part of either or both Oriental Star and Wilde's. A re-scheduling of much of the noise nuisance may be easily solved by crashing the bottles into the wheelie bins at 11 a.m. and organising for the Fortress truck to visit at midday every day not at 0645 hours. (Objection)

Would WDC please take into consideration that there are the windows of 84 bedrooms in the direct audible firing line from Oriental Star at 9, Parade, and Wilde's at 7, Parade and Oriental Star at 9, Parade.

I object to the Wilde's application to play music and object to the proposed extension of the opening hours by 1 hour on most days of the week on the above basis.

The scope of opening hours for both premises should be curtailed because the upper Parade is now a residential area.

Signed by:

Stephen W Tebby, Director of Clarendon Court (Leamington Spa) Management Co. Ltd,  
Six Olton Bridge, 245 Warwick Road, Solihull, West Midlands, United Kingdom, B92 7AH  
Co-owner-occupier of Apartment 11, William House, 3-5, Parade, Leamington Spa.  
Julie Overall, Director of Clarendon Court (Leamington Spa) Management Co. Ltd,  
Six Olton Bridge, 245 Warwick Road, Solihull, West Midlands, United Kingdom, B92 7AH  
Co-owner-occupier of Apartment 1, William House, 3-5, Parade, Leamington Spa.

Chris Overall, Co-owner-occupier of Apartment 1, William House, 3-5, Parade, Leamington Spa.

Mineko Nagasaki, Co-owner-occupier of Apartment 11, William House, 3-5, Parade

4 September 2017.

## Emma Dudgeon

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**From:**  
**Sent:** 04 September 2017 19:12  
**To:** Licensing  
**Subject:** Representations on Premises Licence Application at Wilde's 7. Parade.

Representations on Premises Licence Application at Wilde's 7. Parade.

WDCPREM00232 for the extension of Licensing hours further into the night.

Prevention of public nuisance  
Insufficient information

Objection

In the application WDCPREM00232, for the extension of Licensing hours further into the night, within a residential area in upper Parade as supported by WDC over many Planning Approvals for private apartments, there seems to be insufficient information on what constitutes "regulated entertainment" beyond just recorded music (objection). Also there is insufficient information to gauge the difference between the quoted regulated entertainment and unmentioned unregulated entertainment.

Steve Tebby,  
3/5 Parade  
1 September 2017.

## Emma Dudgeon

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**From:**  
**Sent:** 04 September 2017 19:15  
**To:** Licensing  
**Subject:** Representations on Premises Licence Application at Wilde's 7. Parade

Representations on Premises Licence Application at Wilde's 7. Parade.

WDCPREM00232 for the extension of Licensing hours further into the night.

Wilde's is applying to install and play recorded music (indoors only) on Thursdays, Fridays and Saturdays to midnight.

Upper Parade is a Residential Area as detailed to WDC in other Objections to this application.

Prevention of public nuisance

In line with other applications for Premises Licences approved by WDC, the applicant's "Windows should be kept closed" during any regulated entertainment (recorded music, indoors only etc), should be changed to "Windows shall be kept closed . . .". Would WDC please ensure that this change is made to the applicant's text.

(Objection due to Insufficient information).

Steve Tebby,  
3/5 Parade  
1 September 2017.

## Emma Dudgeon

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**From:**  
**Sent:** 04 September 2017 19:19  
**To:** Licensing  
**Subject:** Objection to Application WDCPREM00232 – Insufficient information.

Objection to Application WDCPREM00232 – Insufficient information.

Representations on Premises Licence Application at Wilde's 7. Parade.

WDCPREM00232 for the extension of Licensing hours further into the night.

There is a proposal to extend the provision for music during “regulated entertainment” until midnight. Is there an operational condition to keep all the windows closed until midnight – who will monitor it? Would that be sufficient? Will it work in practice? What will happen on hot humid nights when someone is bound to want to open a window? Should Wilde's also be proposing as a condition to install air conditioning – and if so where will the plant go for that? It might be next to the bedroom windows of the proposed Flat 2 (W/17/1206 and 1207) or close to someone else's. Has Wilde's got planning consent for it?

There is a horizontal gap of about 1 inch across the whole width of the front sash window. Will this be made to seal, i.e. be airtight when the catch is in the locked position to prevent noise breakout?

Doors shall (not “should” please) be fitted with self-closing devices, but will they be capable of being propped open (or ajar) in hot weather during permitted hours AND during drinking up time to midnight:30?

“Use of the external areas will be restricted after 11pm.” Within a residential area? Probably only OK to neighbours on Saturdays and bank holidays. Door supervisors should (will or shall please) regularly monitor and manage external areas. How regular is regularly? Please be specific to convince your neighbours.

“Prominent notices will be displayed close to all exits requesting patrons to leave the premises quietly. Prominent signs will be displayed in all external areas asking customers to keep noise to a minimum.” How practical is this? How many signs are planned? Most people do not read notices. Ask me some other time whether everyone at Clarendon Court (William & George Houses, 1 and 3/5 Parade) reads the recycling notices by the refuse bins!! And abide by them?

More details please before your neighbours are persuaded!

This is an Objection due to insufficient information.

Stephen W Tebby BSc MSc CEng MIMechE  
William House, 3/5 Parade  
1 September 2017

## Emma Dudgeon

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**From:**  
**Sent:** 04 September 2017 19:21  
**To:** Licensing  
**Subject:** Objection to Application WDCPREM00232

Objection to Application WDCPREM00232

The prevention of crime and disorder,

Disorder is more likely to break out from Wilde's due to the proposed longer opening hours than before. Wilde's may well become a magnet to drinkers from other places in Leamington which may close earlier. The police have enough to do with patrolling all the other pubs and clubs without having more hours to worry about with longer and long late night opening at 5 and 7 Parade. The upper Parade is now, (August 2017), a residential area whereas it wasn't at the time Wilde's and Oriental Star were granted their current premises licences.

The scope of opening hours for both premises should be curtailed because the upper Parade is now a residential area and the police have already got their hands full. As such, I object to the application WDCPREM00232.

Steve Tebby,  
3/5 Parade  
1 September 2017.

## Emma Dudgeon

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**From:**  
**Sent:** 04 September 2017 19:47  
**To:** Licensing  
**Cc:** ehpollution  
**Subject:** Public Safety jeopardised (Urgent Objection). WDCPREM00232  
**Attachments:** Front railings at 7,Parade, 25 Aug 2017 005.jpg

To WDC Premises Licensing Dept., copy to Environmental Health WDC.

Representation re WDCPREM00232 for the extension of Licensing hours further into the night.

Application from Wilde's Bar, 7, Parade.

Public Safety jeopardised (Urgent Objection).  
The protection of children from harm

Please ask a designated premises supervisor (DPS) to assess the risk to public safety of two partly missing balusters from the wrought iron fence at the front of the building. The gap resulting from the missing balusters is one through which a small child could fall through from the Parade pavement level down on to the concrete lower ground floor level 3 metres or so below. (Urgent objection)

Attachment - photo showing front railings at 7, Parade.

Fire detection system – Insufficient information (therefore Objection).

“A fire detection system is installed at the premises and is fully functional, is tested regularly and available for inspection.” Please qualify “regularly”. If the test were to be done only once every 10 years, then it would still be a “regular” test. Next door to Wilde’s at William House, 3/5 Parade, and at George House, 1 Parade, the fire alarm system is tested every week.

Stephen W Tebby BSc MSc CEng MIMechE  
William House, 3/5 Parade  
1 September 2017.



<b>Licensing Act 2003 Representation Form</b>	
<b>Section 1 - Application Details</b>	
<b>I object to the following Application:</b>	
Applicant's name (if known): COVERT DRINKING CLUBS LIMITED  Premises name and address: WILDE'S WINE BAR, 7 PARADE, LEAMINGTON SPA CV32 4DG	
Application for a	Premises Licence..... <input type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input checked="" type="checkbox"/>  Club Premises Certificate..... <input type="checkbox"/>
Application Number	WDC PREM00232

<b>Section 2 - Objector details</b>	
<b>Individual Objectors Details:</b>	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	DICK
First name(s)	GEORGE
Address (incl postcode):  WILLIAM HOUSE, 3 THE PARADE, LEAMINGTON SPA CV32 4DG	

**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	N/A
-----------------	-----

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	
N/A	

Section - Objection Details

**My objection is relevant to the following licensing objective:**

**You can tick more than one box**

- Prevention of crime and disorder.
- Prevention of public nuisance.
- Protection of children from harm.
- Public safety

I object to the application being granted at all  
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)

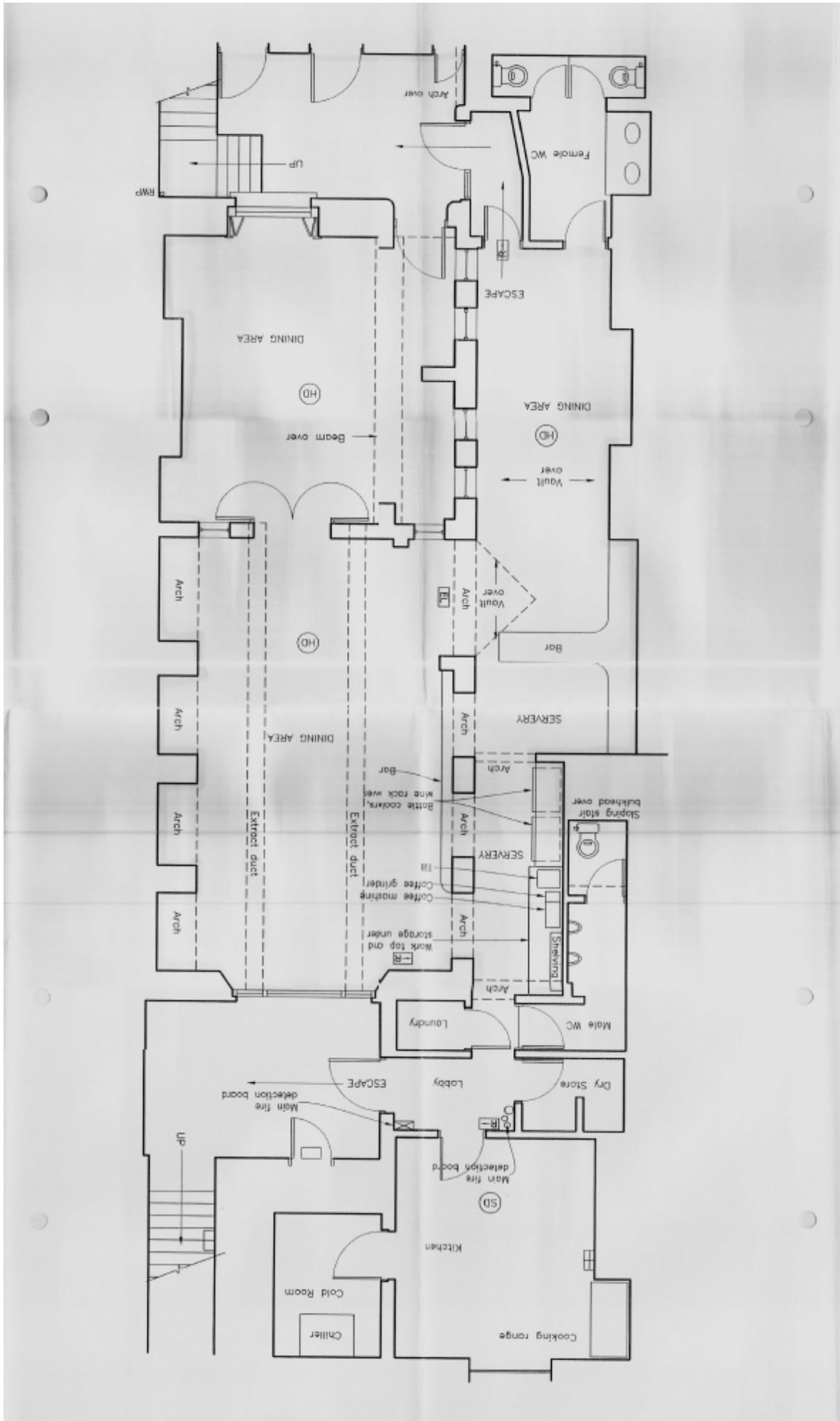
Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

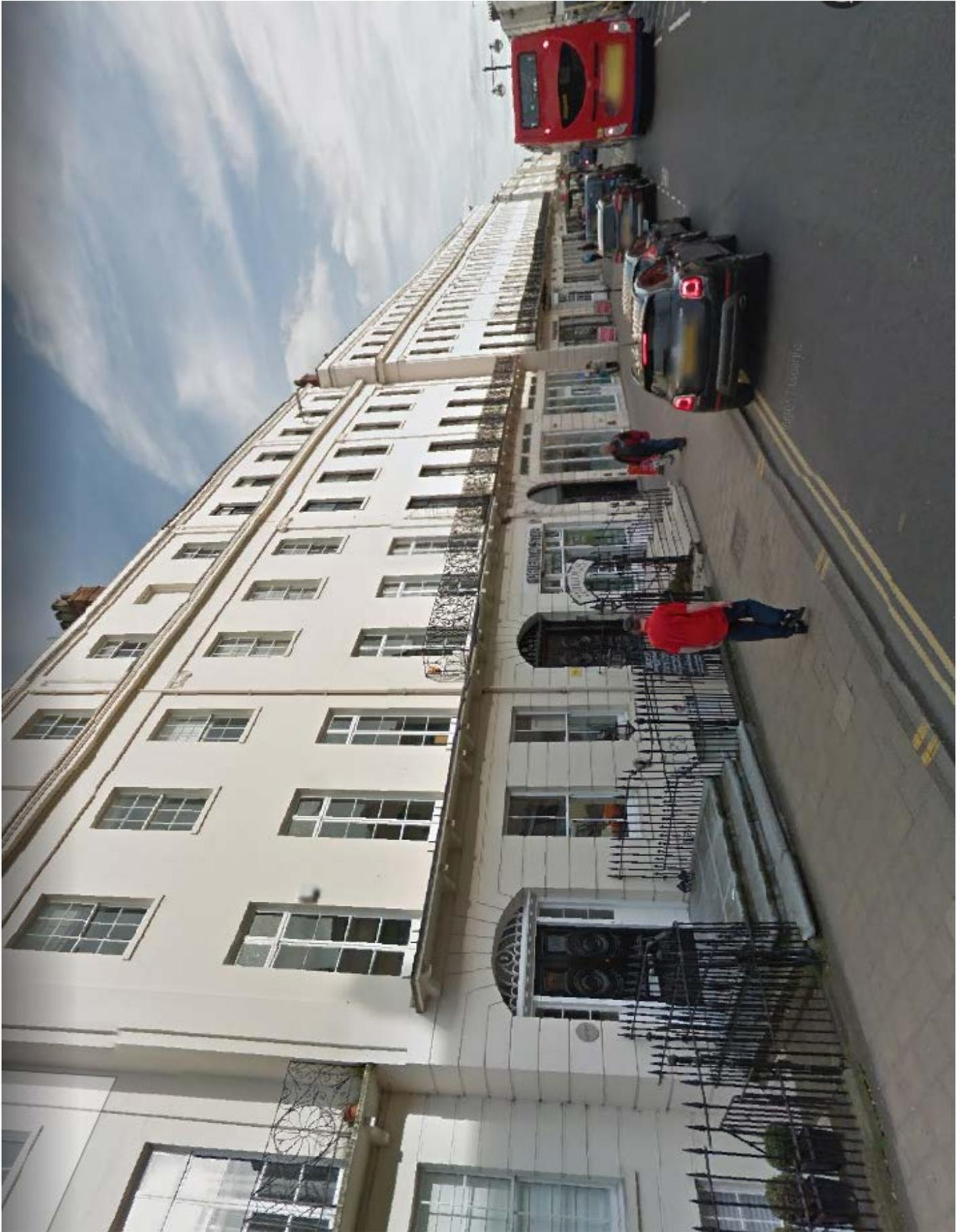
Please attach supporting documents / further pages as necessary - Please number all extra pages

I OBJECT TO THE ADDITIONAL PROVISION IN THE LICENSE TO RECORDED MUSIC (INDOORS ONLY) ON THE GROUNDS OF PREVENTION OF PUBLIC NUISANCE. CURRENTLY IT IS OBSERVED THAT CUSTOMERS SIT DRINKING OUTSIDE THE PREMISES AND ALSO, WHO CAN PREVENT PATRONS FROM ENTERING / LEAVING THE PREMISES TO SMOKE. THIS APPLIES TO BOTH THE FRONT AND REAR OF THE PREMISES. THE TOP OF THE PARADE IS PRIMARILY RESIDENTIAL WITH OVER SIXTY PROPERTIES WITHIN EARSHOT OF THE PREMISES AND IT IS UNDERSTOOD THAT THERE ARE PLANS TO CONVERT THE OFFICES IMMEDIATELY ABOVE THE PREMISES INTO APARTMENTS. THE PREMISES HAS BOTH FRONT AND REAR ACCESS AND IT IS INEVITABLE THAT DOORS WILL BE USED AT REGULAR INTERVALS ALLOWING NOISE FROM MUSIC AND PATRONS TO CREATE A PUBLIC NUISANCE.

Signed.....  
Date..... 5TH SEPTEMBER 2017









# **STATEMENT OF LICENSING POLICY**

**Reviewed May 2014 &  
Approved by Warwick District Council on 25 June 2014**

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## **1. Summary and purpose**

- 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 the guidance issued under Section 182 of the Act.
- 1.2 Warwick District Council (WDC) 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 exceeding 138,000 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 policy will relate to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.
- 1.4 The aim of this Policy is to demonstrate how WDC, will promote the four licensing objectives. These objectives are:
- prevention of crime and disorder;
  - public safety;
  - prevention of public nuisance; and
  - protection of children from harm.

WDC recognises that the promotion of the Licensing Objectives relies heavily on a partnership between license holders, authorised persons, responsible authorities and other persons in pursuit of common aims.

- 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 Responsible Authorities, applicants for and holders of premises licences, objectors and residents on the general approach that the Licensing Authority will implement through its Licensing Committee
- 1.7 When making its decisions on licensing applications, the Licensing Authority will have regard to the matters contained in this Statement, the Act, the guidance issued under section 182 of the Act, 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), and the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.
- 1.8 This Statement covers the period up to 30<sup>th</sup> August 2018 and will be kept under review and revised as required, following consultation where necessary.

## **2. Licensing Policy & South Warwickshire Community Safety Partnership**

- 2.1 The 1998 Crime and Disorder Act and subsequent amendments require the Police and local authorities to work together and with others to reduce crime and disorder. To this end, Crime & Disorder Reduction Partnerships were formed and are now called Community Safety Partnerships.
- 2.2 South Warwickshire Community Safety Partnership (SWCSP) was formed in September 2008 when the district crime and disorder partnerships for Stratford & Warwick districts merged following years of close collaboration. The vision statement for SWCSP is *‘that the districts should be an attractive, environmentally sustainable, desirable area to live in, work and visit, with a sense of safety which reflects the low risk of becoming a victim of crime in the area’*.
- 2.3 Tackling violent crime has remained a priority in Warwick District since 1998 with Leamington Town Centre as the main focus of partnership activity. Tackling violent crime and specifically street violent crime is one of three SWCSP priorities. A 60 point partnership action plan is in place to reduce violent crime and rowdy behaviour in our town centres.
- 2.4 The policy of working with licensees in South Warwickshire has delivered national best performance and practice.
- 2.5 The age group most likely to be victims and perpetrators of violent crime is 18-30. A key initiative to engage with this group is Operation ‘Your Town, Your Choice’ which takes place on pay-day weekends in hot-spots at the busiest times of 9pm to 4am. An early intervention approach is used utilising direct to leave dispersal authorities together with designated public places powers and has a real impact on reducing violence and rowdy behaviour.
- 2.6 This best example of partnership working across all agencies in South Warwickshire illustrates the commitment to tackling on-street violent crime. In addition enhanced policing, Street Marshals, Street Pastors and CCTV control rooms support this approach.
- 2.7 Joint Licensing Enforcement visits are a key feature of these evenings ensuring that licensees are taking their responsibilities seriously. Engagement with 18 to 30 year olds is carried out on roads closed to traffic. Health related activities are offered in exchange for completing questionnaires on particular themes, for example, pre-loading. Results from these activities and questionnaires inform how and when the hot-spots are staffed and how young people can be assisted in having an enjoyable and safe night. A unique partnership pilot with St John Ambulance Service has provided a care and repair service on busy nights in Leamington called ‘The Cabin’ and staffed by up to 10 volunteers.
- 2.8 A further developing part of this approach is the Street Pastor Scheme introduced in 2013. The scheme provides a vital service, and integrates well into the overall multi-agency approach adopted. Further information about Street Pastors may be obtained on their website at [www.leamingtonspa.streetpastors.org.uk](http://www.leamingtonspa.streetpastors.org.uk)

### **3 Delegation of Functions for Regulatory Matters**

- 3.1 The Council has established a Licensing Committee with delegated powers to deal with licensing matters
- 3.2 The Licensing Committee has delegated the decision making to Licensing Panels when a hearing is required. These Panels are sub-committees consisting of three members of the full Committee. All other matters that do not require hearings have, upon Home Office advice, been delegated to officers.

### **4 Further Strategies**

- 4.1 WDC has adopted the following strategies that it feels will help it to achieve its desired goals:
- It will work together with all partners as well as local businesses and residents to try to achieve an acceptable level of harmonisation between the two, accepting that this may not always be possible.
  - It accepts that an active and successful Crime and Disorder Partnership is one of the key factors in achieving its desired goals.
  - It recognises the importance of working with other agencies and holds and organises a Multi- Agency Licensing Group on a regular basis to discuss any problems that may arise within its district.
  - The value of action plans as a method of obtaining compliance from premises is recognised and used whenever they become necessary.
  - An Enforcement Policy which incorporates the Regulator's Compliance Code has been adopted. Both of these may be found on WDC's website,
  - In recognising the need to minimise late night noise nuisance, WDC would expect that after 23.00 all persons outside the premises would move indoors, and that any sound, amplified or unamplified, from within the premises should not disturb residents in neighbouring domestic properties. However, any conditions added to the premises licence to achieve this aim will be proportionate, enforceable and relevant to that particular premise.
  - WDC has adopted a special policy addressing the cumulative impact of the number of licensed premises in Leamington Spa Town Centre. Full information on this policy may be found at paragraph 10 below.

### **5. The four Licensing Objectives**

#### **5.1 Prevention of Crime and Disorder**

- 5.1.1 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, and to do all it reasonably can to prevent crime and disorder in the District.
- 5.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

- 5.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for high levels of disorder that this type of premises may cause to the night time environment.
- 5.1.4 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. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.
- 5.1.5 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 restricted alcohol areas
  - 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;
  - all current police and local authority powers of closure in force at the time
  - the power of police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

## **5.2 Public safety**

- 5.2.1 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 and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

## **5.3 Prevention of public nuisance**

- 5.3.1 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. The conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve. 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.

5.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all patrons of a licensed premises will move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

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

5.3.4 The Licensing Authority expects that premises should usually be closed within half an hour of the end of the last licensable activity.

5.3.5 The Live Music Act 2012 removed live music from the scope of the Licensing Authority, subject to the satisfaction of certain criteria, so it is recognised that its controls in this respect have been reduced. However, conditions may be added or reinstated at a review hearing which will bring live music for that particular premises into the licensing regime. This means that it would be within the licensing Authority's powers, at a review hearing, to place a condition on the premises licence prohibiting the playing of live music at any time. This may arise, for example, if the premises is not suitable for the live music being played; or if frequent disturbance is being caused by the music.

#### **5.4 Prevention of Harm to Children**

5.4.1 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. However, this authority does not consider that children should be encouraged to mix in areas that are frequented by the adult drinking public, such as busy town centres. For this reason, birthday parties, etc., for the 18 and under demographic will be actively discouraged in these areas.

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

- 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 may be provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

5.4.3 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.

5.4.4 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.

5.4.5 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.

5.4.6 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.

5.4.7 The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children. Such conditions will be appropriate to the premises and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.4.8 The Licensing Authority expects all premises to comply with statutory conditions requiring that a policy must be adopted, laying out how they will address underage drinking. This must be shown in the operating schedule of any premises licence application or variation.

**NOTE:** In the event of any variation submitted to remove any conditions where a hearing is necessary, evidence would be expected to be submitted to the Licensing Panel by the applicant that the change would not impact on the licensing objectives

## 5.5 Health

5.5.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.

5.5.1 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

## **5.6 The Licensing Authority as a Responsible Authority**

- 5.6.1 The Licensing Authority are empowered to make representations against new applications for and variations applications to premises licences, as well as call for a review.
- 5.6.2 A procedure has been put into place to ensure that any representation made by the Licensing Authority as a Responsible Authority will be made without prejudicing its ability to determine the application in a fair and objective manner.

## **6. Other Considerations**

### **6.1 Live Music, Dancing & Theatre**

- 6.1.1 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 to residents will try to be balanced with the wider cultural benefits to the wider population.

### **6.2 Integration of Strategies**

- 6.2.1 The Licensing Authority will 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.
- 6.2.2 Specific conditions may be attached to premises licences, where appropriate, to reflect local crime prevention strategies. Such conditions may include
- the correct use of well installed closed circuit television cameras;
  - the provision and use of shatterproof drinking receptacles;
  - a drugs and weapons search policy;
  - the use of ID scanners
  - the use of registered door supervisors;
  - specialised lighting requirements;
  - restrictions on hours of opening and licensable activities.
- 6.2.3 Certificates issued to club premises will 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.

## **7 Other regulatory regimes**

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

## **7.2 Health and Safety**

- 7.2.1 Premises will normally have been visited by the Council's Health and Community Protection 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 that duplicate statutory H&S requirements.

## **7.3 Fire Safety**

- 7.3.1 Premises and their operators will have statutory duties under the current fire safety regime to ensure the safety of patrons visiting the premises. The operating schedule should state the precautions that will be taken to ensure the safety of the public.

## **7.4 Food Hygiene**

- 7.4.1 Premises selling alcohol and/or premises engaged in a food business must be registered with WDC and subject to risk-based food hygiene inspections at regular intervals. The inspections are carried out by the council's Health and Community Protection officers.

## **7.5 Noise**

- 7.5.1 Statutory and public nuisances are dealt with by the Council's Health and Community Safety Section under the Environmental Protection Act 1990 and associated legislation.

## **7.6 Planning**

- 7.6.1 Premises that apply for a licence or a variation of a licence should be aware that they may also need planning permission to carry out the activities applied for.

## **8 Standard Conditions**

- 8.1 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 will be tailored to the individual styles and characteristics of the premises and events concerned and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

## **9 Enforcement**

- 9.1 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 Licensing Group.

## **10 Special Policy Regarding Cumulative Impact**

- 10.1 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.
- 10.2 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 the relevant part of the guidance issued under section 182 of the Act.
- 10.3 The Licensing Authority formed two saturation zones, based on information supplied 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.
- 10.4 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. Properties on both sides of any road which borders the zone are deemed to be included within the zone. A plan of the zone may be found at the end of this policy as Appendix 1.
- 10.5 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.
- 10.6 The special policy regarding cumulative impact will not be used to try to revoke an existing licence or certificate when representations are made about the way the premises are being operated. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 10.7 The Licensing Authority will not operate a quota of any description including the 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.
- 10.8 If an application for a premises 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**

10.9 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.

10.10 The policy will be subject to review.

## **11 Responsible Authorities**

11.1 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy as Appendix 2.

11.2 Responsible Authorities are able to make representations regarding new or variation applications for premises licences and also to seek a review of a current premises licence.

11.3 Representations will only be relevant if they relate to one or more of the licensing objectives referred to in paragraph 5.

## **12. Early Morning Restriction Orders (EMROs) and Late Night Levy (LNL)**

12.1 Following a report from officers, Warwick District Council's Licensing Committee recommended to full Council that it was felt, at the current time, the application of a LNL or EMROs was not appropriate for the council's area.

12.2 The Licensing Committee's recommendation was accepted by full Council during 2013.

12.3 However this Council, in March 2014, has requested officers to review the situation subsequent to Central Government's current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District.

## **13 Restricted Drinking Zone**

13.1 The Criminal Justice and Police Act 2001 includes a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The act gives local authorities the power to designate areas 'Restricted Drinking Zones' where it will become an offence for any person to drink alcohol after being requestedj not to do so by a police officer.

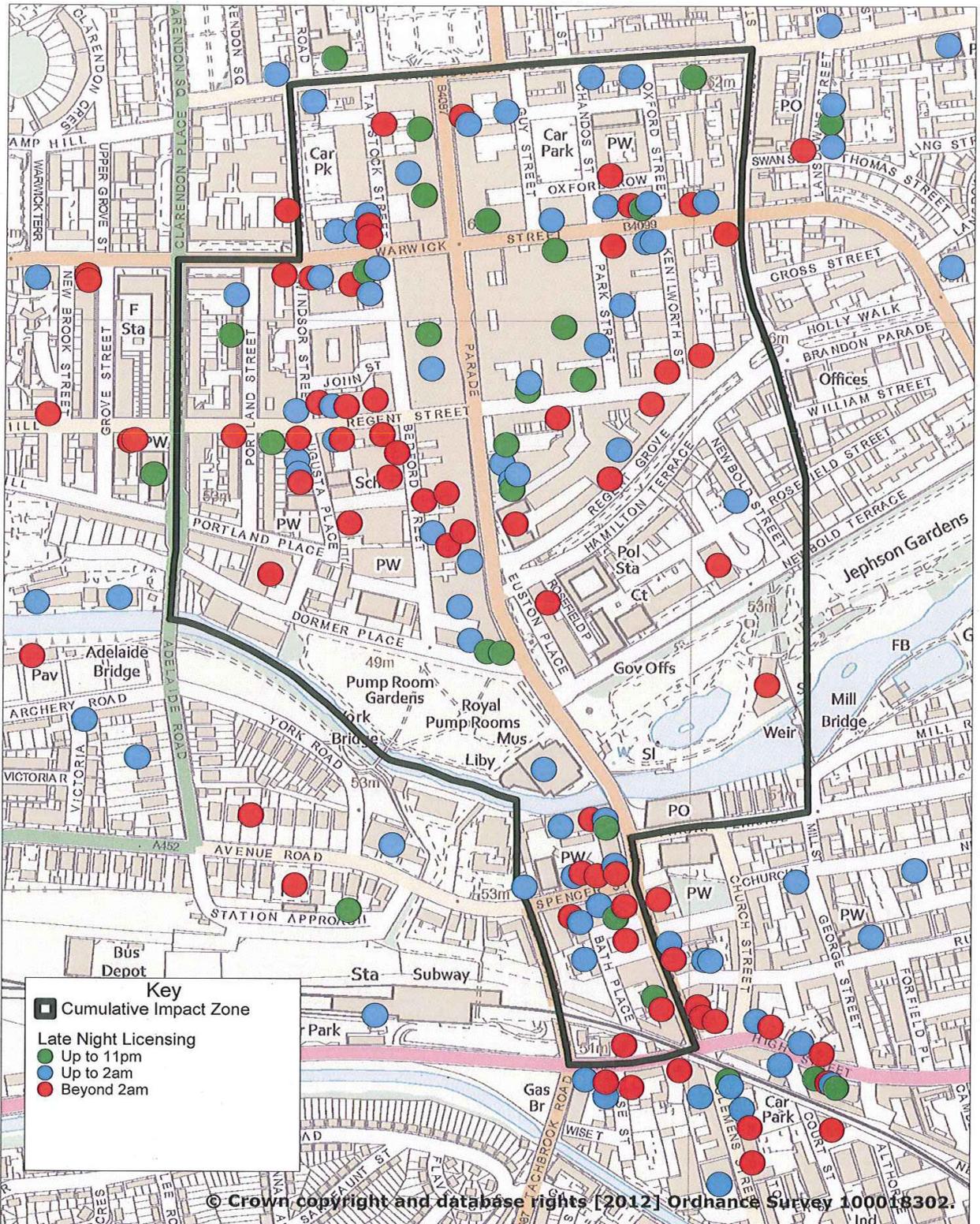
13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.

13.2 This means that, anywhere in the district, it is an arrestable offence to fail, without reasonable excuse, to comply with a police officer's request to cease drinking alcohol. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession.

## **14 Further Information**

- 14.1 The Licensing Authority has produced guidance documents for applicants.
- 14.2 The Council's Health and Community Protection Section offers advice on the process for, and, progress of, applications and as to whether particular activities need to be licensed. If detailed advice on the requirements of the legislation and how it affects you and your premises is required, independent legal advice should be sought.
- 14.3 The granting of a licence under the Licensing Act 2003 does not obviate the need for permissions or consents required under other legislation.

# Appendix 1 – Cumulative Impact Zone (current for 2013)



**Late Night Licences & Cumulative Impact Zone**

Scale: 1:5000

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Date: 16 October 2012

Tel: 01926 410410

## **Appendix 2 – List of Responsible Authorities**

### **POLICE:**

Chief Officer of Police  
Warwickshire Police Licensing Team  
Warwickshire Justice Centre Leamington Spa  
Newbold Terrace  
Leamington Spa  
Warwickshire  
CV32 4EL

Tel: 01926 684033  
Fax: 01926 684038  
Email: [Liquor.Licensing@warwickshire.pnn.police.uk](mailto:Liquor.Licensing@warwickshire.pnn.police.uk)

### **FIRE AUTHORITY:**

County Fire Officer  
Warwickshire Fire & Rescue Service  
Warwick Street  
Leamington Spa  
CV32 5LH

Tel: 01926 423231  
E.Mail: [firesafety@warwickshire.gov.uk](mailto:firesafety@warwickshire.gov.uk)

### **ENFORCEMENT AGENCY FOR HEALTH AND SAFETY:**

Regulatory Manager  
Health and Community Protection  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Tel: 01926 456707  
Email: [ehsafety@warwickdc.gov.uk](mailto:ehsafety@warwickdc.gov.uk)

### **AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:**

Environmental Sustainability Manager  
Health and Community Protection  
Warwick District Council  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5HZ

Tel: 01926 456714  
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