

Licensing and Regulatory Panel  
23 June 2022

**Title: Application for a variation of a premises licence received under the Licensing Act 2003 for The Shire Grill, Chesterton Drive, Sydenham, Leamington Spa CV31 1YJ**

**Lead Officer: Amanda Allinson**

**Portfolio Holder: Cllr Judith Falp**

**Public report: Yes**

**Wards of the District directly affected: Leamington Willes**

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

**Officer/Councillor Approval**

<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Head of Service	15/06/22	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	14/06/22	Graham Leach
Legal Services	15/06/22	Sarah Sellers

## **1. Summary**

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid variation of a premises licence to extend the licensable area for The Shire Grill, Chesterton Drive, Sydenham, Leamington Spa CV31 1YJ. Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

## **2. Options available to the Panel**

- 2.1 Members are asked to consider the information contained in this report.

The following options are available to members:

Option 1 – Grant the application;

Option 2 – Grant the application with modified conditions by altering or omitting or adding to them , or;

Option 3 – Refuse the application.

## **3. Details for Consideration**

- 3.1 When considering the application the panel must also 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 11)
  - 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 must only consider those licensing objectives which have been referred to in the representations received.

- 3.2 Mr Shamsher Sahota submitted an application to vary the premise licence to extend the licensable area to cover the beer gardens and patios surrounding the premise, including the use of a marquee, on the 9<sup>th</sup> May 2022. This has been attached as appendix 1.
- 3.3 The Shire Grill currently holds a premises licence issued under The Licensing Act 2003 which permits live and recorded music (inside only) until 00:00 hours Sunday to Thursday and until 01:00 on Friday and Saturday. A copy of the current premises licence for The Shire Grill has been attached as appendix 2.

- 3.4 The Licensing Department has received objections from local residents. These are attached as appendices 3 and 4.
- 3.5 A further three objections were received from residents, however, following discussions between the residents and the applicant these have subsequently been withdrawn.
- 3.6 The Licensing Department also received an objection from Environmental Health. This is attached as appendix 5.
- 3.7 No representations have been received from:
- Fire Authority
  - The Licensing Authority
  - Authority Responsible for Planning
  - National Health Service/Public Health
  - Enforcement Agency for Health and Safety
- 3.8 Two photographs showing the location of the proposed extension (currently with a marquee) in relation to the existing building of The Shire Grill, the play area and the car park are attached at Appendix 6. An aerial view showing the location of the premises in relation to surrounding homes is attached as appendix 7. A plan of the premises submitted by the applicant is attached as appendix 8.
- 3.9 In response to Environmental Health, the agent acting on behalf of the applicant created a noise plan. This is attached at Appendix 10.
- 3.10 Environmental Health have submitted further correspondence regarding the application, this is attached as appendix 11.

### **4. Legal Comments**

- 4.1 The Council's Statement of Licensing Policy 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 to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.2 The Live Music Act 2012 made changes to the Licensing Act 2003 with regard to regulated entertainment. The provisions in the Licensing Act 2003 (as amended) have the effect that where specified criteria apply recorded music and live music are not subject to conditions between the hours of 08.00 and 23.00.
- 4.3 Details of the procedure adopted by the Licensing and Regulatory 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.

- 4.3 All parties to the Hearing will be notified of the decision of the panel in writing within five working days of the conclusion of the hearing.
- 4.2 Any party aggrieved by a decision taken by the panel may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 4.3 The decision should take place in accordance with the agreed procedure.

### 5. Policy Framework

#### 5.1. Fit for the Future (FFF)

- 5.1.1 The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.
- 5.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

#### 5.2 FFF Strands

##### 5.2.1 External impacts of proposal(s)

**People - Health, Homes, Communities** - The licensing policy recognises 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.

**Services - Green, Clean, Safe** – None.

**Money- Infrastructure, Enterprise, Employment** - The licensing policy relates 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.

##### 5.3 Internal impacts of the proposal(s)

**People - Effective Staff** – None.

**Services - Maintain or Improve Services** - None.

**Money - Firm Financial Footing over the Longer Term** - None.