

 Licensing & Regulatory Committee 12 September 2016		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for Dale Temperance Hotel & Coffee Tavern, 16 Old Square, Warwick.	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	30/8/2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	30/08/2016	Moira-Ann Grainger
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Phoenix (City) Pub Company Limited for Dale Temperance Hotel & Coffee Tavern, 16 Old Square, Warwick.
- 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 application for a premises licence for Dale Temperance Hotel & Coffee Tavern, 16 Old Square, Warwick, should be granted and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Phoenix (City) Pub Company Limited applied for a premises licence for Dale Temperance Hotel & Coffee Tavern, 16 Old Square, Warwick on 21 July 2016.
- 3.2 The premises licence is for a pub with letting rooms. The licensable activities requested by applicant are detailed in the table shown below.

	Opening Hours	Sale of alcohol for consumption on and off the premises.	*Recorded Music (Indoors)	Late Night Refreshment (Indoors and outdoors)
Sunday to Monday	11:00 to 00:30	11:00 to 00:00	23:00 to 00:00	23:00 to 00:30
Friday and Saturday	11:00 to 01:30	11:00 to 01:00	23:00 to 01:00	23:00 to 01:30

For all the above from the end of permitted hours on New Year’s Eve until the end of permitted hours on New Year’s Day.

* NOTE: 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.

- 3.3 An operating schedule, which has been submitted by the applicant and will form part of any licence issued, has been supplied as follows:

General

- 1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 3. Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

4. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
5. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
6. The Premises Licence Holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a Constable when required.
7. (i) The Premises Licence Holder shall ensure images from the CCTV are retained for a period of 31 days. The image retention period may be reviewed as appropriate by the Licensing Authority.
(ii) the correct time and date will be generated onto both the recording and the real time image screen.
(iii) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.
(iv) The Premises Licence Holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a Constable.
8. The premises shall provide information of the local taxi firms and transport links to all patrons leaving the venue.
9. The Premises Licence Holder shall devise and implement a dispersal policy to ensure that patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so as not to disturb the residents within the vicinity.
10. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and area quietly.

11. Notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

12. All licensed activities are available 24 hours a day for residents and bona fide guests only.

3.4 The Licensing Department have received five representations in relation to this application. Three objections have been received from residents living in the vicinity of the premises, these are attached as appendices 1 to 3. One objection has been received from the owners of The Old Post Office, Warwick, attached as appendix 4. An objection has been received from Warwick District Council Environmental Health, attached as appendix 5.

3.5 An objection was received from Warwickshire Police, however, following the agreement of a condition the objection was withdrawn. The condition agreed will be added to any premises licence issued and is as follows:

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 whilst 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.

3.6 No representations have been received from:

- Fire Authority
- 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
- Warwickshire County Council (Weights and Measures)

3.7 The applicant has submitted additional information in relation to the application. This is attached as appendix 6.

3.8 A plan of the premises provided by the applicant will be made available at the hearing, a map of the area is attached as appendix 7 and photographs of the area are attached as appendix 8.

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 9)
- 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.