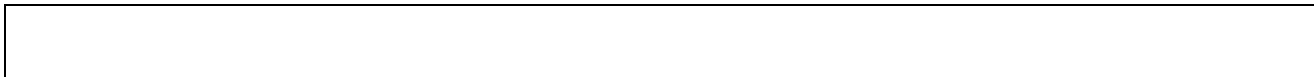
 <b>Licensing &amp; Regulatory Committee</b> <b>27 November 2014</b>		<b>Agenda Item No. 3</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Bellagio Italian Restaurant, 33 – 39 Regent Grove, Lantern Corner, Leamington Spa	
<b>For further information about this report 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	13/12/2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	17/11/2014	Michael Coker
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps - None</b>		



1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Bellagio (Leamington) Ltd.
- 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 Bellagio Italian Restaurant, 33 – 39 Regent Grove, Leamington spa should be approved and, if so, whether the Licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Bellagio (Leamington) Ltd applied for a premises licence on 2 October 2014. The licensable activities requested are set out in the table below:

	Supply of alcohol for consumption on and off the premises	Late Night Refreshment	Opening Hours
Sunday to Thursday	10.00 to 00.30	23.00 to 00.30	10.00 to 01.00
Friday and Saturday	10.00 to 01.00	23.00 to 01.00	10.00 to 01.30

- 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*

We have a well-trained management team and a training programme to ensure all staff are briefed on the licensing objectives covering in particular no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, no violent or ant-social behaviour and that there is a need to protect children from harm.

*The prevention of crime and disorder*

Responsible management controls, for example capacity levels. On-going staff training including identification of anti-social or unusual behaviour. Training and supervision of all staff to adopt best practice, adhere to the Portman Group on drinks strategy. Use of proof of age scheme, internal and external lighting checked regularly.

Digital CCTV and appropriate recording equipment is to be installed in positions agreed with Mr Mark English, Warwickshire Police Architectural Liaison Officer and operated and maintained throughout the premises internally and externally providing full coverage. Such CCTV footage will be stored for a minimum of 28 days and the management will give full and immediate cooperation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. For the avoidance of doubt such footage as Warwickshire Police require will be made available by a trained operator at the time of the request.

The DPS is to conduct a professional on-going assessment as to the need to employ SIA licensed door supervisors at the premises.

All staff shall be trained in Challenge 25 as well as drunken awareness and records shall be maintained of such training.

The premises is to be a member of Warwickshire Police approved Warwick District "Pubwatch" scheme and must conform to its policies and procedures and regularly attend meetings.

There shall be a minimum of 95 covers permanently laid out for providing substantial meals by waiter service provided always this number of covers may be varied upwards or downwards by agreement with Warwickshire Police.

An incident and refusals book will be maintained at the premises and available at any time on request by Warwickshire Police.

#### *Public safety*

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually. Fire risk assessment carried out weekly.

Emergency exits shall remain unlocked and free from obstruction, both inside and outside, at all times.

A professionally prepared fire risk assessment will be produced which will propose maximum numbers which will thereafter be agreed with Warwickshire Fire Service and Warwickshire Police and become the maximum number for the premises and such capacity will not be exceeded, provided always that such number may be varied upwards or downwards by agreement with the said Fire Service and Police.

#### *The Prevention of Public Nuisance*

Responsible management at all times. Zero tolerance to drunken or anti-social behaviour. Regular visits to all parts of the premises.

Out of hours deliveries to be monitored. All staff trained to ensure quiet departure of patrons.

Ventilation to be maintained to prevent nuisance of odour and noise.

All windows and doors will be kept closed after 23:00 except for access and egress.

No off sales shall be permitted after 23:00 hrs save for bottles of wine that have been recorked and purchased for the table meal.

No open vessels of any kind to leave the curtilage of the premises at any time (save for the above condition).

The number of persons leaving the premises temporarily in order to smoke shall be limited to five at any one time and monitored and controlled by staff.

Deliveries and the collection of waste and rubbish will only take place between the hours of 07:30 and 21:30 Monday to Saturday and 09:00 and 18:00 hrs Sunday.

#### *The Protection of Children from Harm*

Provision of sufficient staff to protect children from harm, with training on appropriate behaviour. Children have to be accompanied by a responsible person who had attained the age of 18. No children allowed at the bar servery.

The premises shall adopt the Challenge 25 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to the till. The premises will operate a policy whereby any person attempting to buy alcohol will be asked for photographic ID to prove their age. The only ID that will be accepted

is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.

- 3.3 Representations have been received from Environmental Health, attached as appendix 1, Warwickshire Police, attached as appendix 2, a Ward Councillor, attached as appendix 3 and a other person, attached as appendix 4.
- 3.5 There have been no representations 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
  - Trading Standards
- 3.6 There are currently no licensable activities taking place at the premises and therefore there is no evidence in relation to licensing which can be detailed in the report.
- 3.7 A map of the area of the premises is attached as appendix 5 and a plan of the external area of the premises submitted by the applicant will be made available at the meeting.
- 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 6)
  - 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.

- 4.3 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.

- 4.4 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.