

 Licensing & Regulatory Committee 24 March 2015		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for Cote, Regent Court, Leamington Spa.	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	16.3.2015	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	16.3.2015	Michael Coker
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 Cote Restaurant Limited.
- 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 Cote, Unit 3, Regent Court, Leamington Spa should be approved and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Cote Restaurants Limited applied for a premises licence on 11 February 2015. The licensable activities requested are set out in the table below:

	Sale of Alcohol for Consumption on and off the premises	Late night refreshment	Opening hours
Monday to Sunday	10:00 to 23:30	23:00 to 23:30	08:00 to 23:30

- 3.3 Representations were received from Warwickshire Police and a Ward Councillor, however following the agreement of a condition with Warwickshire Police and amendments made after discussions with Environmental Health these representations were withdrawn. A representation has also been received from Royal Leamington Spa Town Council, which is attached as appendix 1.
- 3.2 On application the applicant submitted a number of conditions. These conditions along with the additional conditions agreed will be added to any premises licence if granted. These conditions are as follows:

- 1. The premises shall install and maintain a comprehensive CCTV system. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
CCTV to be installed to the current British Standard BS7958. This consists of:
Cameras shall cover all public areas.
Head and facial recognition coverage.
Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second
Recordable and retained for a minimum of 31 days.
CCTV images to be made available to Police or Local Authority upon reasonable request.
- 2. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such person as ancillary to their meal.
- 3. Service of alcohol shall be by waiter/waitress service only.
- 4. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

5. All exit doors will be regularly checked and all fire doors maintained unobstructed and effectively self-closing. All firefighting equipment will be regularly checked to ensure they function correctly.
6. All staff will be trained to ask customers to leave quietly in the evening when necessary.
7. There shall be appropriate signage at the premises requesting customers to leave quietly.
8. The premises shall join a locally approved retail radio scheme and conform to its policies and procedures.
9. Doors and windows must be kept shut after 23:00hrs except for entry or egress.
10. Refusals book will be maintained and produced on reasonable request from an authorised responsible authority.
11. DPS to make on going professional risk assessments as to whether to employ SIA door supervisors at anytime.
12. Incident book to be maintained on premises and produced on reasonable request of an authorised responsible authority.
13. Staff will be trained in age verification and drunk awareness, training records to be maintained and produced on reasonable request of an authorised of an authorised responsible authority.
14. No entry or re-entry after 23:00.
15. No open vessels to be taken outside the cartilage of the premises at any time.
16. Any outside tables must be demarked my physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.
17. Outside activities must cease by 19:30.
18. No speakers for amplification of music shall be places on the outside of the premises.

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
- Authority responsible for Environmental Health
- Warwickshire County Council (Weights and Measures)

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 **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.**

3.8 A map of the area of the premises is attached as appendix 2 and a plan of the internal area of the premises submitted by the applicant is attached as appendix 3.

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 4)
 - 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.