

 Licensing & Regulatory Committee 24 November 2016		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for 66-68 Clemens Street, Royal Leamington Spa, CV31 2DN	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	4/11/2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	4/11/2016	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 Matthew Crowther for 66 -68 Clemens Street, 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 application for a premises licence for 66-68 Clemens Street, Royal Leamington Spa should be granted and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Matthew Crowther applied for a premises licence for 66-68 Clemens Street, Royal Leamington Spa on 3 October 2016. The premises licence is for a bar and restaurant.
- 3.2 Following discussions between the applicant, Environmental Health and Warwickshire Police, the applicant has amended their original application. The licensable activities requested are detailed in appendix 1.
- 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

Well trained staff will contribute to a well-run premise.

All staff will be inducted into the brand using the brand handbook and all aspects of the Licensing Act 2003 will be covered and regularly refreshed.

Training records will always be available.

An accident book will be in use to record all accidents or incidents.

Prevention of Crime and Disorder

An Intruder Alarm will be fitted to the premises to protect it when closed.

All staff and back of house areas will be locked when not in use.

Emergency exits will be alarmed.

CCTV will be installed and will cover all entrances, exits, high value areas and point of sale areas.

The CCTV system will be cloud based and accessible via the Internet.

All employees will be inducted into the business and into the premises correctly and the company will hold regular briefings and meetings to communicate good practice and proper management.

Public Safety

Zero tolerance policy to drugs and improper behaviour.

All employees inducted correctly and the following training provided within three months of employment:

- conflict management
- emergency first aid awareness
- allergen awareness
- fire safety
- health and safety
- food safety

Ongoing refresher training to be provided to staff.

Within 6 months of employment all team members will be nominated to gain the APLS (Award for Licenced Premises Staff) and all managers and supervisors will be nominated to attend the NQPLH and will go on to obtain a Personal Licence.

Protection of Children From Harm

A documented policy will be put into place and all employees will be trained on the content.

A strict challenge 21 policy will be in use at all times and a refusals log will be kept updated.

No Adult entertainment will take place on the premises.

Access will be restricted to children during the evening unless dining with an adult.

The admission of children will be restricted up until a specified time.

Prevention of Public Nuisance

A noise management policy will be put into place and all employees will be trained on the content.

External areas will be regularly monitored and managed and external music will be reduced at 21:00 and turned off at 23:00.

Windows and Doors will be closed after 23:00.

Reservations will be managed effectively to reduce bottlenecks and prevent large numbers of guests arriving and departing together.

Notices will be displayed by the exits encouraging customers to leave quietly.

Doors to be fitted with soft cushion close functions to prevent doors slamming.

A taxi phone service will be provided and guests will be encouraged to wait indoors.

Suppliers will be given a delivery window of 08:00 until 18:00 on weekdays and 08:00 until 12:00 on weekends.

External lighting will be turned off when the business is closed or rear areas are not in use.

- 3.4 The Licensing Department have received three representations in relation to this application, these are attached as appendices 2 to 4. Representations were also received from Environmental Health and Warwickshire Police. However, additional conditions were agreed and subsequently their representations were withdrawn. These conditions will be added to any premises licence issued and are as follows:

1. 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 4 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. 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. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
- 2. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority.
- 3. No persons under the age of 18 years will be allowed on the premises after 21.00hrs unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority
- 4. DPS to make on going professional risk assessments as to whether to employ door supervisors at anytime
- 5. Refusals book / register to be maintained and made available for inspection on reasonable request from responsible authority.
- 6. All windows and doors shall be kept closed after 23:00, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 7. Regulated entertainment shall only take place in the area(s) designated as restaurant on the accompanying floor plans.
- 8. The outside areas shall not be used after 23:00 hours and shall be cleared by that time.
- 9. Noise levels will be monitored on and off site at regular intervals to ensure that noise from activities at the venue do not give rise to a nuisance. The Designated Premises Supervisor or Duty Manager shall undertake a noise risk assessment of any activities at the venue to determine how regularly noise monitoring must take place.
- 10. No open vessels shall be taken outside the curtilage of the premises at any time.
- 11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 12. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

3.5 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)

3.6 A Premises licences issued under the Licensing Act 2003 was in place at 66 Clemens Street between November 2005 and April 2015 when the licence was surrendered. The premises was previously known as Grand Union.

- 3.7 A plan of the premises provided by the applicant is attached as appendix 5, a map of the area is attached as appendix 6 and photographs of the area are attached as appendix 7.

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.

- 4.2 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.