

Licensing & Regulatory Panel

Wednesday 6 June 2018

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Wednesday 6 June 2018 at **10.00am**.

Membership: Councillors H Grainger, Mrs Hill and Murphy

Emergency Procedure

At the beginning of the meeting the emergency procedure for the Town Hall will be announced.

Agenda

1. **Appointment of Chairman**

To appoint the Chairman of the Licensing & Regulatory Panel E for the ensuing municipal year.

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Application for a variation of a premises licence issued under the Licensing Act 2003 for Royal News, 42 Bedford Street, Leamington Spa, CV32 5DY**

To consider a report from Health & Community Protection

Published Tuesday 29 May 2018

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114


E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officer named in the report.

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

The agenda is also available in large print, on request, prior to the meeting by calling 01926 456114.

 Licensing & Regulatory Committee 6 June 2018		Agenda Item No. 3
Title	Application for a variation of a premises licence issued under the Licensing Act 2003 for Royal News, 42 Bedford Street, Leamington Spa, CV32 5DY	
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 Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	25.5.2018	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a variation of a premises licence for Royal News, 42 Bedford Street, Leamington Spa, CV32 5DY.
- 1.2 A Representation has 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 variation application for Royal News, 42 Bedford Street, Leamington Spa, should be granted and, if so, whether the licence should be subject to any conditions.
- 2.2 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 5)
 - 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.

- 2.3 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.
- 2.4 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.

3. **Reasons for the Recommendation**

- 3.1 Mr Uniss Ali Mohamed applied for a variation of a premises licence for Royal News, 42 Bedford Street, Leamington Spa on 25 April 2018. The premises operate as a newsagent and off licence. The application is for the extension of the hours the premises may sell alcohol for the consumption off the premises to fall in line with the current opening hours. A copy of the current premises

licence is attached as appendix 1 and details of the variation are set out in the table below.

	Current hours: Sale of Alcohol for consumption off the premises	Hours applied for under variation: Sale of Alcohol for consumption off the premises
Monday to Sunday	06:00 22:00	06:00 to 00:00

- 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

The premises, which opens from 6am to midnight, has demonstrated its ability to promote the licensing objectives and does not negatively impact on their promotion. The existing conditions of the premises licence (set out below) promote the licensing objectives and no additional steps are required other than to apply these steps throughout the additional hours.

1. CCTV must be installed to the current British Standard, record at all times when licensable activities take place, and must include:

Camera's must cover entrance and service till.

Head and facial recognition.

Capable of recording and storing 31 days continuously.

Someone must be on duty when licensable activities take place who is capable of downloading images upon request by an authorised officer.

The image quality must be a minimum of 12 frames per second.

The system must be signed off by Warwickshire Police Architectural Liaison Officer.

2. A written record will be kept at the premises of all persons who are authorised to sell alcohol, all staff training records will be maintained and updated.

3. A log/incident book will be maintained of any incidents that occur and made available on reasonable request from a responsible authority.

4. All persons authorised to sell alcohol will complete an underage sales training programme which includes a written test to verify his or her competency. This record will be available to the Police or authorised officers of Warwick District Council.

5. All alcohol must be sold within carrier bags or similar to prevent alcohol to be openly carried in public streets.

ID has to be shown by customer (current passport/driving licence etc.)

Ongoing staff training.

Prevention of Crime and Disorder

Working closely with local police/PCSO's.

Public Safety

Liaising with local police and communities.

Relevant insurances (Public liability etc) in place at all times
No serving drunks.

Prevention of Public Nuisance

No sale to drunks

Alcohol to be consumed off the premises and away from the premises.

Protection of Children

No sale of alcohol to children under any circumstance. Signs put up in shop stating this.

A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.

A 'Challenge log' recording challenges - where both sales and refusals result. Regular staff training to ensure that both the law and company policies/procedures are understood, up-to-date and applied consistently.

3.3 The Licensing Department has received a representation from Warwickshire Police. This representation is attached as appendix 2.

3.5 No representations have been received from:

- Environmental Health
- Fire Authority
- Trading Standards
- Environmental Health
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

3.6 **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.**

3.6 A map of the area is attached as appendix 3 and photographs of the area are attached as appendix 4.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

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. This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels

Impacts of Proposal		
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.	None	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.

Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management

Policy & Guidelines.

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.

**Premises Licence
(To be kept at the premises)**

**Royal News,
42 Bedford Street,
Leamington Spa,
Warwickshire,
CV32 5DY.**

Premises Licence number **WDCPREM00791**

The times the licence authorises the carrying out of permitted licensable activities

**Sale of Alcohol for Consumption Off the Premises
Monday to Sunday from 08:00 to 22:00**

**The opening hours of the premises
Monday to Sunday from 06:00 to 00:00**

Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	PS 17 Allison Wiggin
Job Title	Leamington Safer Neighbourhood Sgt
Postal and email address	Leamington Police Station, Newbold Terrace, Leamington Spa
Contact telephone number	01926 684242

Name of the premises you are making a representation about	Royal News
Address of the premises you are making a representation about	42 Bedford St, Leamington Spa, CV32 5DY

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	<p>Warwickshire Police has considered the application to grant this premises licence and would ask Warwick District Council to refuse this application.</p> <p>Warwickshire Police believes that allowing this new premise licence will increase Crime & Disorder in the vicinity.</p> <p>The premises is within the Cumulative Impact Zone of Leamington Spa, and is an increase in licensed premises within that area</p> <p>Further evidence will be supplied in advance of any hearing</p>
Public safety	Yes	<p>Area is within DPPO and will increase the risk of glass bottles etc within a busy night time economy</p> <p>Further evidence will be supplied in advance of any hearing</p>
To prevent public nuisance	Yes	<p>As above,</p> <p>Further evidence will be supplied in advance of any hearing</p>
To protect children from harm	No	

Signed: PS 17 Allison Wiggin

Date: 4th of May 2018

NOT PROTECTIVELY MARKED



Licensing Hearing Evidence

Royal News Bedford Street, Leamington

Warwickshire Police object to the variation of this licence.

The premises currently hold a licence allowing them to trade up until 10pm and application is to increase these hours until midnight.

Royal news is located on the corner of Bedford Street and Regent Street and lies within Council's Community Impact Zone in Leamington Spa. The premises are at the cross roads to what is the busiest area for pedestrian traffic, during the night time economy. This quarter of the town has the largest and busiest licensed premises, between which the patrons of these establishments flow.



The location of the premises in the heart of the town centre, means that parking for vehicles is at a premium and the likelihood of off sales to customers stopping by using transport is negligible, as it is inconvenient and there are better alternatives nearby (Tesco's). The issue of parking contrary to the road traffic regulations is already an issue during the evenings as patrons of nearby restaurants and public houses use these roads to park. By allowing the Royal News an off licence to trade until midnight has the potential to impact of public safety, as customers seeking to purchase alcohol

double park or park illegally putting pedestrians who are often vulnerable through intoxication at risk. The Royal news has no off road parking of its own and its customers will be in competition with other premises for the parking spaces.

The likelihood is that the customers of the Royal News will be pedestrian and attending the location on foot.

Warwick District Council already has a **Designated Public Place Order (DPPO)** in place, which Royal News is within. This give powers to a police constable or accredited person under Section 12 of the act to;

- ☐ require a person not to drink alcohol
- ☐ surrender any alcohol or alcohol containers in the person's possession.

These powers are only exercised in relation to “problem” drinking – this means where there is a threat to community safety.

The street marshals use these powers extensively as an early intervention mechanism to prevent crime and disorder and promote public safety, by seizing bottles of alcohol from people in the town centre at night. The attached table outlines the number of bottles seized on any given night and is already significant in number.

The extension of the licensable activity gives rise to the opportunity to purchase cheap alcohol en-route to the publichouses in an effort to pre-load. This is already a problem encountered by the police and marshals and evidenced by the number of seizures as outlined in the attached table.

Over the past couple of years Royal News has submitted two previous applications to extend hours, this now being the third. On each occasion it has applied it has gradually been increasing its hours, Warwickshire Police’s view is that the current hours are the maximum that such a venue in this location should be allowed, any further hours will have a detrimental effect on the licensing objectives and an cumulative impact on the area.

It is Warwickshire Police’s view that to extend the licensable hours for Royal News will increase the number of glass bottles on the streets of Leamington town centre and go against the promotion of the licensing objectives, by adding to the number of potential missiles and objects that could be used to cause serious harm.

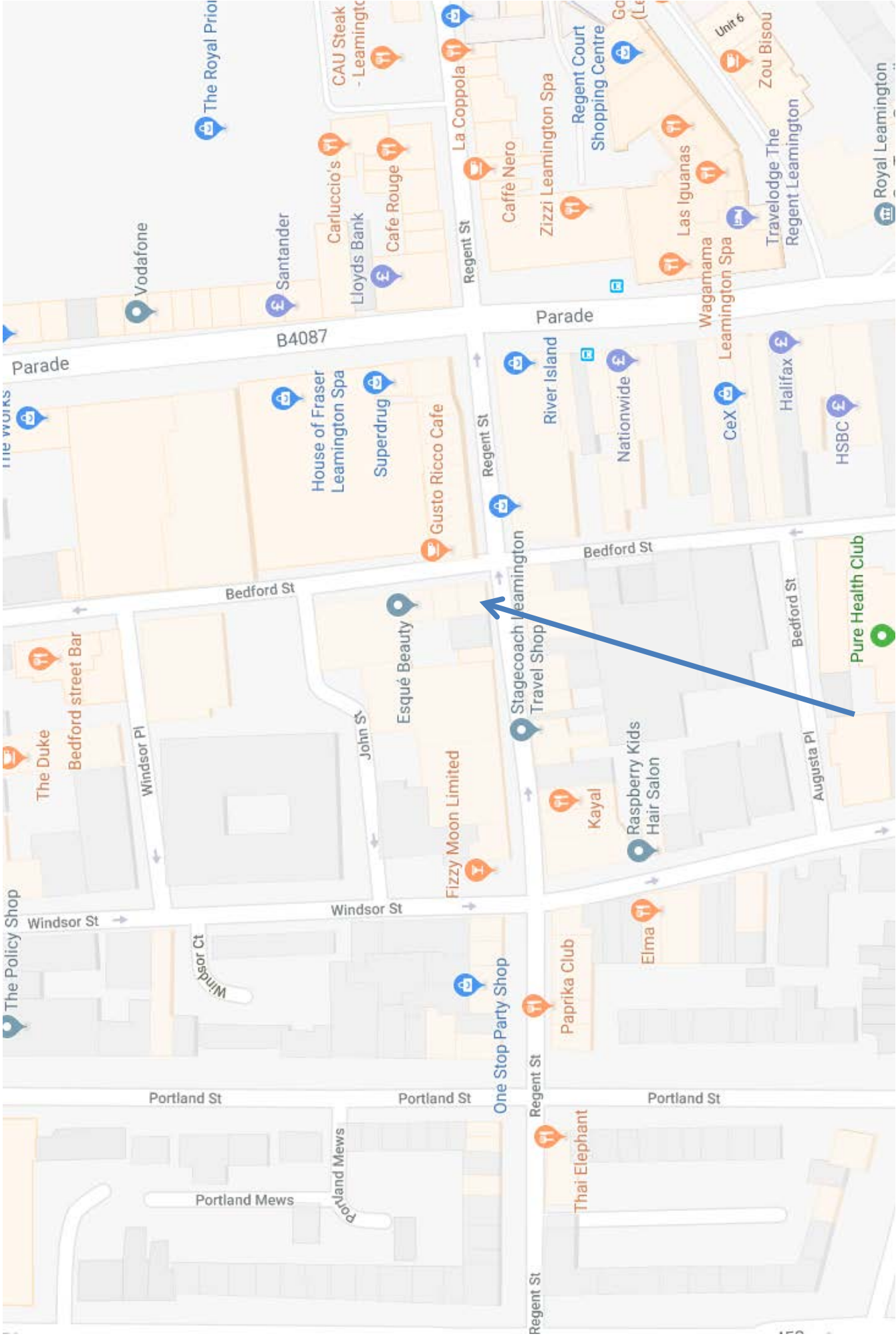
Warwickshire Police will request that the licensing hearing panel refuse this application for an extension to the licensing hours.

PS 17 WIGGIN

Safer Neighbourhood Sgt

Leamington and
Whitnash

Spring 2018			Autumn 2017			Summer 2017			Spring 2017		
Week 1	Day	Volume	Week 1	Day	Volume	Week 1	Day	Volume	Week 1	Day	Volume
08.01.18	MON	6	02.10.17	Mon	203	24.04.17	MON	0	09.01.17	MON	42
09.01.18	TUES	18	03.10.17	Tue	No Data	25.04.17	TUES	27	10.01.17	TUES	143
10.01.18	WED	6	04.10.17	Wed	No Data	26.04.17	WED	4	11.01.17	WED	18
11.01.18	THURS	54	05.10.17	Thu	No Data	27.04.17	THURS	7	12.01.17	THURS	147
15.01.18	MON	0	09.10.17	Mon	No Data	01.05.17	MON	0	16.01.17	MON	23
16.01.18	TUES	14	10.10.17	Tue	No Data	02.05.17	TUES	8	17.01.17	TUES	187
17.01.18	WED	9	11.10.17	Wed	No Data	03.05.17	WED	0	18.01.17	WED	45
18.01.18	THURS	36	12.10.17	Thu	No Data	04.05.17	THURS	12	19.01.17	THURS	181
22.01.18	MON	5	16.10.17	Mon	No Data	08.05.17	MON	0	23.01.17	MON	5
23.01.18	TUES	48	17.10.17	Tue	No Data	09.05.17	TUES	17	24.01.17	TUES	48
24.01.18	WED	34	18.10.17	Wed	No Data	10.05.17	WED	0	25.01.17	WED	34
25.01.18	THURS	8	19.10.17	Thu	No Data	11.05.17	THURS	8	26.01.17	THURS	30
29.01.18	MON	31	23.10.17	Mon	No Data	15.05.17	MON	0	30.01.17	MON	31
30.01.18	TUES	39	24.10.17	Tue	No Data	16.05.17	TUES	14	31.01.17	TUES	39
31.01.18	WED	19	25.10.17	Wed	No Data	17.05.17	WED	0	01.02.17	WED	19
01.02.18	THURS	32	26.10.17	Thu	No Data	18.05.17	THURS	5	02.02.17	THURS	59
05.02.18	MON	3	30.10.17	Mon	15	22.05.17	MON	0	06.02.17	MON	3
06.02.18	TUES	33	31.10.17	Tue	38	23.05.17	TUES	0	07.02.17	TUES	33
07.02.18	WED	10	01.11.17	Wed	0	24.05.17	WED	0	08.02.17	WED	10
08.02.18	THURS	28	02.11.17	Thu	32	25.05.17	THURS	2	09.02.17	THURS	64
12.02.18	MON	3	06.11.17	Mon	0	29.05.17	MON	0	13.02.17	MON	3
13.02.18	TUES	22	07.11.17	Tue	12	30.05.17	TUES	0	14.02.17	TUES	31
14.02.18	WED	2	08.11.17	Wed	0	31.05.17	WED	0	15.02.17	WED	4
15.02.18	THURS	24	09.11.17	Thu	24	01.06.17	THURS	0	16.02.17	THURS	43
19.02.18	MON	8	13.11.17	Mon	0	05.06.17	MON	0	20.02.17	MON	8
20.02.18	TUES	33	14.11.17	Tue	12	06.06.17	TUES	72	21.02.17	TUES	33
21.02.18	WED	7	15.11.17	Wed	0	07.06.17	WED	0	22.02.17	WED	7
22.02.18	THURS	31	16.11.17	Thu	16	08.06.17	THURS	98	23.02.17	THURS	35
26.02.18	MON	12	20.11.17	Mon	9	12.06.17	MON	12	27.02.17	MON	6
27.02.18	TUES	22	21.11.17	Tue	18	13.06.17	TUES	46	28.02.17	TUES	34
28.02.18	WED	35	22.11.17	Wed	2	14.06.17	WED	21	01.03.17	WED	0
01.03.18	THURS	32	23.11.17	Thu	48	15.06.17	THURS	72	02.03.17	THURS	32
05.03.18	MON	0	27.11.17	Mon	35	19.06.17	MON	24	06.03.17	MON	0
06.03.18	TUES	40	28.11.17	Tue	62	20.06.17	TUES	76	07.03.17	TUES	20
07.03.18	WED	11	29.11.17	Wed	24	21.06.17	WED	36	08.03.17	WED	6
08.03.18	THURS	49	30.11.17	Thu	124	22.06.17	THURS	121	09.03.17	THURS	32
12.03.18	MON	6	04.12.17	Mon	42	26.06.17	MON	25	13.03.17	MON	12
13.03.18	TUES	51	05.12.17	Tue	63	27.06.17	TUES	51	14.03.17	TUES	47
14.03.18	WED	12	06.12.17	Wed	42	28.06.17	WED	42	16.03.17	WED	16
15.03.18	THURS	55	07.12.17	Thu	98	29.06.17	THURS	87	17.03.17	THURS	52









STATEMENT OF LICENSING POLICY

**Reviewed May 2014 &
Approved by Warwick District Council on 25 June 2014**

Table of Contents

Front Cover	1
Table of Contents	2
Summary and Purpose	3
Licensing Policy & South Warwickshire Community Safety Partnership	4
Delegation of Functions for Regulatory Matters	4
Further Strategies	5
The Four Licensing Objectives	5
Other Considerations	8
Other Regulatory Regimes	9
Standard Conditions	10
Special Policy regarding Cumulative Impact	10
Responsible Authorities	11
Early Morning Restriction Orders and Late Night Levy	12
Restricted Drinking Zone	12
Further Information	12
Appendix 2 – Map of Cumulative Impact Zone	14
Appendix 3 – Responsible Authorities	15

1. Summary and purpose

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and the guidance issued under Section 182 of the Act.
- 1.2 Warwick District Council (WDC) is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population exceeding 138,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 1.3 The policy will relate 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.
- 1.4 The aim of this Policy is to demonstrate how WDC, will promote the four licensing objectives. These objectives are:
- prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and
 - protection of children from harm.

WDC recognises that the promotion of the Licensing Objectives relies heavily on a partnership between license holders, authorised persons, responsible authorities and other persons in pursuit of common aims.

- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- 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.
- 1.6 This Statement provides guidance to Responsible Authorities, applicants for and holders of premises licences, objectors and residents on the general approach that the Licensing Authority will implement through its Licensing Committee
- 1.7 When making its decisions on licensing applications, the Licensing Authority will have regard to the matters contained in this Statement, the Act, the guidance issued under section 182 of the Act, the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions), and the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.
- 1.8 This Statement covers the period up to 30th August 2018 and will be kept under review and revised as required, following consultation where necessary.

2. Licensing Policy & South Warwickshire Community Safety Partnership

- 2.1 The 1998 Crime and Disorder Act and subsequent amendments require the Police and local authorities to work together and with others to reduce crime and disorder. To this end, Crime & Disorder Reduction Partnerships were formed and are now called Community Safety Partnerships.
- 2.2 South Warwickshire Community Safety Partnership (SWCSP) was formed in September 2008 when the district crime and disorder partnerships for Stratford & Warwick districts merged following years of close collaboration. The vision statement for SWCSP is *‘that the districts should be an attractive, environmentally sustainable, desirable area to live in, work and visit, with a sense of safety which reflects the low risk of becoming a victim of crime in the area’*.
- 2.3 Tackling violent crime has remained a priority in Warwick District since 1998 with Leamington Town Centre as the main focus of partnership activity. Tackling violent crime and specifically street violent crime is one of three SWCSP priorities. A 60 point partnership action plan is in place to reduce violent crime and rowdy behaviour in our town centres.
- 2.4 The policy of working with licensees in South Warwickshire has delivered national best performance and practice.
- 2.5 The age group most likely to be victims and perpetrators of violent crime is 18-30. A key initiative to engage with this group is Operation ‘Your Town, Your Choice’ which takes place on pay-day weekends in hot-spots at the busiest times of 9pm to 4am. An early intervention approach is used utilising direct to leave dispersal authorities together with designated public places powers and has a real impact on reducing violence and rowdy behaviour.
- 2.6 This best example of partnership working across all agencies in South Warwickshire illustrates the commitment to tackling on-street violent crime. In addition enhanced policing, Street Marshals, Street Pastors and CCTV control rooms support this approach.
- 2.7 Joint Licensing Enforcement visits are a key feature of these evenings ensuring that licensees are taking their responsibilities seriously. Engagement with 18 to 30 year olds is carried out on roads closed to traffic. Health related activities are offered in exchange for completing questionnaires on particular themes, for example, pre-loading. Results from these activities and questionnaires inform how and when the hot-spots are staffed and how young people can be assisted in having an enjoyable and safe night. A unique partnership pilot with St John Ambulance Service has provided a care and repair service on busy nights in Leamington called ‘The Cabin’ and staffed by up to 10 volunteers.
- 2.8 A further developing part of this approach is the Street Pastor Scheme introduced in 2013. The scheme provides a vital service, and integrates well into the overall multi-agency approach adopted. Further information about Street Pastors may be obtained on their website at www.leamingtonspa.streetpastors.org.uk

3 Delegation of Functions for Regulatory Matters

- 3.1 The Council has established a Licensing Committee with delegated powers to deal with licensing matters
- 3.2 The Licensing Committee has delegated the decision making to Licensing Panels when a hearing is required. These Panels are sub-committees consisting of three members of the full Committee. All other matters that do not require hearings have, upon Home Office advice, been delegated to officers.

4 Further Strategies

- 4.1 WDC has adopted the following strategies that it feels will help it to achieve its desired goals:
- It will work together with all partners as well as local businesses and residents to try to achieve an acceptable level of harmonisation between the two, accepting that this may not always be possible.
 - It accepts that an active and successful Crime and Disorder Partnership is one of the key factors in achieving its desired goals.
 - It recognises the importance of working with other agencies and holds and organises a Multi- Agency Licensing Group on a regular basis to discuss any problems that may arise within its district.
 - The value of action plans as a method of obtaining compliance from premises is recognised and used whenever they become necessary.
 - An Enforcement Policy which incorporates the Regulator's Compliance Code has been adopted. Both of these may be found on WDC's website,
 - In recognising the need to minimise late night noise nuisance, WDC would expect that after 23.00 all persons outside the premises would move indoors, and that any sound, amplified or unamplified, from within the premises should not disturb residents in neighbouring domestic properties. However, any conditions added to the premises licence to achieve this aim will be proportionate, enforceable and relevant to that particular premise.
 - WDC has adopted a special policy addressing the cumulative impact of the number of licensed premises in Leamington Spa Town Centre. Full information on this policy may be found at paragraph 10 below.

5. The four Licensing Objectives

5.1 Prevention of Crime and Disorder

- 5.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions, and to do all it reasonably can to prevent crime and disorder in the District.
- 5.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

- 5.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for high levels of disorder that this type of premises may cause to the night time environment.
- 5.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place. Any conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.
- 5.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:–
- planning controls;
 - enforcement of Environmental Protection legislation (e.g. on noise nuisance);
 - positive measures to provide a safer and clean town centre;
 - environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
 - powers to designate parts of the District as restricted alcohol areas
 - police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
 - dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
 - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - confiscation of alcohol from adults and others in designated areas;
 - all current police and local authority powers of closure in force at the time
 - the power of police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

5.2 Public safety

- 5.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.3 Prevention of public nuisance

- 5.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. The conditions added will be precise and enforceable and will be unambiguous and clear in what they intend to achieve. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
 - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and

- consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.

5.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all patrons of a licensed premises will move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.

5.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were still being achieved.

5.3.4 The Licensing Authority expects that premises should usually be closed within half an hour of the end of the last licensable activity.

5.3.5 The Live Music Act 2012 removed live music from the scope of the Licensing Authority, subject to the satisfaction of certain criteria, so it is recognised that its controls in this respect have been reduced. However, conditions may be added or reinstated at a review hearing which will bring live music for that particular premises into the licensing regime. This means that it would be within the licensing Authority's powers, at a review hearing, to place a condition on the premises licence prohibiting the playing of live music at any time. This may arise, for example, if the premises is not suitable for the live music being played; or if frequent disturbance is being caused by the music.

5.4 Prevention of Harm to Children

5.4.1 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. However, this authority does not consider that children should be encouraged to mix in areas that are frequented by the adult drinking public, such as busy town centres. For this reason, birthday parties, etc., for the 18 and under demographic will be actively discouraged in these area.

5.4.2 Areas that may give rise to particular concern in respect of children include premises:

- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises;
- Where entertainment of an adult or sexual nature may be provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

5.4.3 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- Limitations on the hours when children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;

- Requirements for an accompanying adult;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

5.4.4 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

5.4.5 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

5.4.6 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

5.4.7 The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children. Such conditions will be appropriate to the premises and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

5.4.8 The Licensing Authority expects all premises to comply with statutory conditions requiring that a policy must be adopted, laying out how they will address underage drinking. This must be shown in the operating schedule of any premises licence application or variation.

NOTE: In the event of any variation submitted to remove any conditions where a hearing is necessary, evidence would be expected to be submitted to the Licensing Panel by the applicant that the change would not impact on the licensing objectives

5.5 Health

5.5.1 The Licensing Authority recognises the role of Public Health England acting in its role as a Responsible Authority. Public Health England can make representations in response to either a full licence application or an application for a variation in the conditions of an existing licence. They can also call for the review of a licence if they feel it breaches a licensing objective. Any representation must relate specifically to the premises in question and cannot be a general objection.

5.5.1 Representations made by Public Health England must be evidence-based and must demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, Public Health England must ensure their representations are relevant to one of the four existing objectives.

5.6 The Licensing Authority as a Responsible Authority

- 5.6.1 The Licensing Authority are empowered to make representations against new applications for and variations applications to premises licences, as well as call for a review.
- 5.6.2 A procedure has been put into place to ensure that any representation made by the Licensing Authority as a Responsible Authority will be made without prejudicing its ability to determine the application in a fair and objective manner.

6. Other Considerations

6.1 Live Music, Dancing & Theatre

- 6.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance to residents will try to be balanced with the wider cultural benefits to the wider population.

6.2 Integration of Strategies

- 6.2.1 The Licensing Authority will secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:
- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
 - Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.
- 6.2.2 Specific conditions may be attached to premises licences, where appropriate, to reflect local crime prevention strategies. Such conditions may include
- the correct use of well installed closed circuit television cameras;
 - the provision and use of shatterproof drinking receptacles;
 - a drugs and weapons search policy;
 - the use of ID scanners
 - the use of registered door supervisors;
 - specialised lighting requirements;
 - restrictions on hours of opening and licensable activities.
- 6.2.3 Certificates issued to club premises will reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

7 Other regulatory regimes

- 7.1 This policy will avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

7.2 Health and Safety

- 7.2.1 Premises will normally have been visited by the Council's Health and Community Protection inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions that duplicate statutory H&S requirements.

7.3 Fire Safety

- 7.3.1 Premises and their operators will have statutory duties under the current fire safety regime to ensure the safety of patrons visiting the premises. The operating schedule should state the precautions that will be taken to ensure the safety of the public.

7.4 Food Hygiene

- 7.4.1 Premises selling alcohol and/or premises engaged in a food business must be registered with WDC and subject to risk-based food hygiene inspections at regular intervals. The inspections are carried out by the council's Health and Community Protection officers.

7.5 Noise

- 7.5.1 Statutory and public nuisances are dealt with by the Council's Health and Community Safety Section under the Environmental Protection Act 1990 and associated legislation.

7.6 Planning

- 7.6.1 Premises that apply for a licence or a variation of a licence should be aware that they may also need planning permission to carry out the activities applied for.

8 Standard Conditions

- 8.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences will be tailored to the individual styles and characteristics of the premises and events concerned and will be precise and enforceable and will be unambiguous and clear in what they intend to achieve.

9 Enforcement

- 9.1 Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Licensing Group.

10 Special Policy Regarding Cumulative Impact

- 10.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 10.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in the relevant part of the guidance issued under section 182 of the Act.
- 10.3 The Licensing Authority formed two saturation zones, based on information supplied in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 10.4 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. Properties on both sides of any road which borders the zone are deemed to be included within the zone. A plan of the zone may be found at the end of this policy as Appendix 1.
- 10.5 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.
- 10.6 The special policy regarding cumulative impact will not be used to try to revoke an existing licence or certificate when representations are made about the way the premises are being operated. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 10.7 The Licensing Authority will not operate a quota of any description including the special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 10.8 If an application for a premises licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives**

10.9 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.

10.10 The policy will be subject to review.

11 Responsible Authorities

11.1 A list of contact details for Responsible Authorities authorised under the Act is attached to this policy as Appendix 2.

11.2 Responsible Authorities are able to make representations regarding new or variation applications for premises licences and also to seek a review of a current premises licence.

11.3 Representations will only be relevant if they relate to one or more of the licensing objectives referred to in paragraph 5.

12. Early Morning Restriction Orders (EMROs) and Late Night Levy (LNL)

12.1 Following a report from officers, Warwick District Council's Licensing Committee recommended to full Council that it was felt, at the current time, the application of a LNL or EMROs was not appropriate for the council's area.

12.2 The Licensing Committee's recommendation was accepted by full Council during 2013.

12.3 However this Council, in March 2014, has requested officers to review the situation subsequent to Central Government's current consultation on licensing matters and to bring forward an updated report at the earliest possible time on the implications of introducing a late night levy in Warwick District.

13 Restricted Drinking Zone

13.1 The Criminal Justice and Police Act 2001 includes a number of powers to combat crime and disorder, including measures to deal with alcohol related problems. The act gives local authorities the power to designate areas 'Restricted Drinking Zones' where it will become an offence for any person to drink alcohol after being requested not to do so by a police officer.

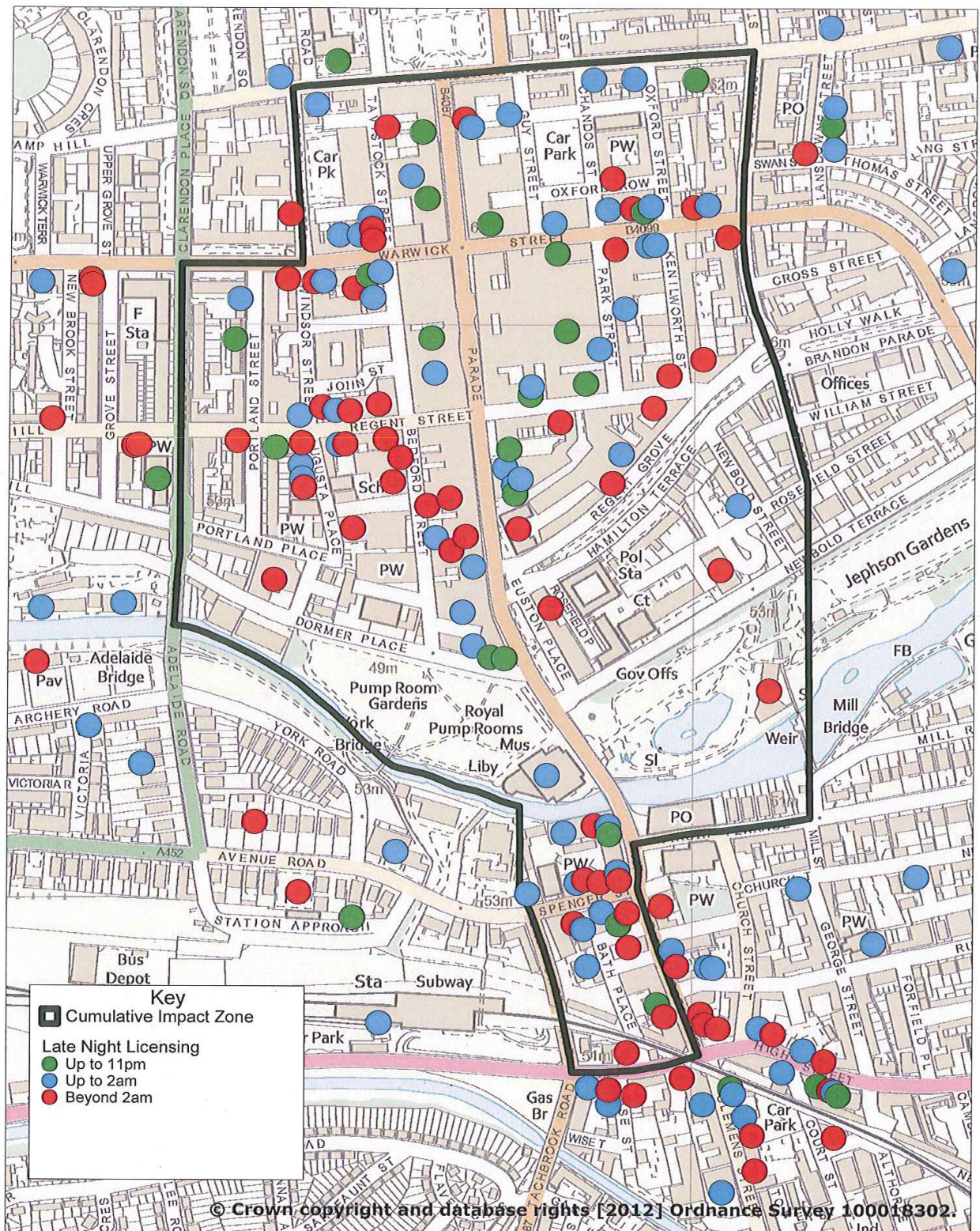
13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.

13.2 This means that, anywhere in the district, it is an arrestable offence to fail, without reasonable excuse, to comply with a police officer's request to cease drinking alcohol. The police also have the power to confiscate and dispose of any alcohol and containers in the person's possession.

14 Further Information

- 14.1 The Licensing Authority has produced guidance documents for applicants.
- 14.2 The Council's Health and Community Protection Section offers advice on the process for, and, progress of, applications and as to whether particular activities need to be licensed. If detailed advice on the requirements of the legislation and how it affects you and your premises is required, independent legal advice should be sought.
- 14.3 The granting of a licence under the Licensing Act 2003 does not obviate the need for permissions or consents required under other legislation.

Appendix 1 – Cumulative Impact Zone (current for 2013)



Late Night Licences & Cumulative Impact Zone

Scale: 1:5000

Date: 16 October 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410



Appendix 2 – List of Responsible Authorities

POLICE:

Chief Officer of Police
Warwickshire Police Licensing Team
Warwickshire Justice Centre Leamington Spa
Newbold Terrace
Leamington Spa
Warwickshire
CV32 4EL

Tel: 01926 684033

Fax: 01926 684038

Email: Liquor.Licensing@warwickshire.pnn.police.uk

FIRE AUTHORITY:

County Fire Officer
Warwickshire Fire & Rescue Service
Warwick Street
Leamington Spa
CV32 5LH

Tel: 01926 423231

E.Mail: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCY FOR HEALTH AND SAFETY:

Regulatory Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456707

Email: ehsafety@warwickdc.gov.uk

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Environmental Sustainability Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456714

Email: ehpollution@warwickdc.gov.uk

THE LICENSING AUTHORITY:

Safer Communities Manager
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill

Royal Leamington Spa
CV32 5HZ

Tel:
Email:

AUTHORITY RESPONSIBLE FOR PLANNING:

Gary Fisher
Group Leader Development Control
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456541
Email: gary.fisher@warwickdc.gov.uk

BODY RESPONSIBLE FOR THE PROTECTION OF CHILDREN FROM HARM:

Keith Edwards
Assistant Head of Service
Planning and Performance Children
Young People and Families Directorate
Saltisford Office Park,
Ansell Way
Warwick
CV34 4UL

Tel: 01926 731139
Email: sslicensingapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Simon Coupe
Divisional Trading Standards Officer
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414040
Email: simoncoupe@warwickshire.gov.uk

PUBLIC HEALTH ENGLAND:

Public Health Department (Licensing)
NHSWarwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email:
PublicHealth5PMPUBLICHEALTHWARWICKSHIREPCT@warwickshire.nhs.uk