

		Licensing Panel 8th August 2011	Agenda Item No. 3
Title		Application for a variation under the Licensing Act 2003 for a premises licence for Lazy Cow, 10 Theatre Street, Warwick	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area		Community Protection	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	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

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	08/07/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	08/07/2011	Councillor Coker
Consultation Undertaken		
N/A		
Final Decision?		Yes

1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises may apply to vary their existing premises licence.

2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report, and decide whether the application for a variation of the premises licence for The Lazy Cow by Urban and Country Leisure (Warwick) LLP should be approved, and, if so, whether it should be subject to any conditions.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Montchai Karmakharm applied to convert the existing Justices Licence for The Globe Hotel (Now called Lazy Cow) in July 2005 to a premises licence issued under the Licensing Act 2003 (LA 2003). Only the police could object to this conversion on the grounds of crime and disorder. No such objection was received so a licence was granted to commence on 24th November 2005. The current premises licence reflects the hours and conditions converted at the time.
- 3.2 The premises licence was transferred in August 2010 to the current owners. A minor variation was submitted at the same time to permit new plans to be added to the premises licence to show a refurbishment. This minor variation was granted under delegated authority by the Licences Services Manager.
- 3.3 Urban and Country Leisure (Warwick) LLP has now applied to vary the premises licence as follows
- 3.4 The current premises licence permits

Current Licence

	Sale of Alcohol	Opening Hours (to the public without meals)	Opening Hours (to the public with meals)
Monday	10:00 – 23:00	10:00 – 23:20	10:00 – 23:30
Tuesday	10:00 – 23:00	10:00 – 23:20	10:00 – 23:30
Wednesday	10:00 – 23:00	10:00 – 23:20	10:00 – 23:30
Thursday	10:00 – 23:00	10:00 – 23:20	10:00 – 23:30
Friday	10:00 – 23:00	10:00 – 23:20	10:00 – 23:30
Saturday	10:00 – 23:00	10:00 – 23:20	10:00 – 23:30
Sunday	12:00 – 22:30	12:00 – 22:50	12:00 – 23:00

On New Year' Eve permitted to stay open until closing time on New Year's Day. Residents and their Bone Fide Guests may be supplied with alcohol 24 hours a day, seven days a week.

Variation requested (differences shaded)

	Sale of Alcohol to the public	Recorded Music	Live Music	Late night refreshment	Opening Hours (to the public)
Monday	10:00 – 00:00	10:00 – 00:00	12:00 – 22:00	23:00 – 00:00	10:00 – 00:30
Tuesday	10:00 – 00:00	10:00 – 00:00	12:00 – 22:00	23:00 – 00:00	10:00 – 00:30
Wednesday	10:00 – 00:00	10:00 – 00:00	12:00 – 22:00	23:00 – 00:00	10:00 – 00:30
Thursday	10:00 – 00:00	10:00 – 00:00	12:00 – 22:00	23:00 – 00:00	10:00 – 00:30
Friday	10:00 – 01:00	10:00 – 01:00	12:00 – 22:00	23:00 – 01:00	10:00 – 01:30
Saturday	10:00 – 01:00	10:00 – 01:00	12:00 – 22:00	23:00 – 01:00	10:00 – 01:30
Sunday	10:00 – 00:00	10:00 – 00:00	12:00 – 22:00	23:00 – 00:00	10:00 – 00:30

Recorded music extended:

*On Sunday's prior to Bank Holiday Mondays; Bank Holidays; Christmas Eve; Halloween and Bonfire night from 10:00 to 01:00
New Year's Eve 00:00 to 02:00*

Late Night Refreshment extended:

*On Sunday's prior to Bank Holiday Mondays; Bank Holidays; Christmas Eve; Halloween and Bonfire night until 01:00
New Year's Eve 23:00 – 05:00*

Sale of alcohol extended:

On Sunday's prior to Bank Holiday Mondays; Bank Holidays; Christmas Eve; Halloween and Bonfire night from 10:00 to 01:00

Note: This variation application does not seek to change the existing provision of alcohol and late night refreshments to residents and their bona fide guests 24 hours a day, seven days a week; or the existing permission to sell alcohol on New Year's Eve from the end of hours until the end on hours on New Year's day.

- 3.5 An operating schedule which will form part of any varied licence issued has been supplied as follows:

The Prevention of Crime and Disorder

The DPS or nominated relevant person will actively participate in the Local Pubwatch scheme, if any.

The premises will install and maintain a CCTV system covering the public bars/restaurant on the ground floor and the external garden/terrace area to the reasonable satisfaction of Warwickshire Police. The CCTV system must be working and recording at all times when the premises are open and conducting Licensable activity. The recordings must be kept for a period of 28 days. CCTV images must be made available upon request to any Responsible Authority.

The Prevention of Public Nuisance

1. Noise limiters will be fitted to regulate music levels at the premises and all reasonable advice from the Environmental Health Officer of Warwick District Council in relation to the limiters will be complied with.
 2. Secondary glazing will be fitted to the 1st floor function room windows to increase their sound attenuation from music being played within the function room.
 3. Any external speakers will either be deactivated or removed and no external speakers will be permitted to be used for Regulated Entertainment authorised by the premises licence, unless authorised to do so by a temporary event notice or any other lawful mechanism.
 4. All internal speakers will be orientated to ensure that they do not directly face the wall located on the Theatre Street side of the premises.
 5. No drinks will be allowed in the external area of the premises after 23.00 hours on any day. Notices will be clearly displayed within the external area informing customers of the licensing condition.
 6. The premises will operate a curfew policy to non-residents to stop entry into the premises after 23:00 hours on any day. The premises must display a notice at all entry points informing customers of this policy.
 7. Hotel residents will be asked to use the internal entryway into the bar area after 23:00 hours.
 8. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
 9. Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to any nearby properties.
- 3.6 Representations have been received from Environmental Health (Appendix 1), Warwickshire Police (Appendix 2) and an interested parties (Appendices 3 - 8)
- 3.7 A maps of the area of the premises are shown as Appendix 9
- 3.8 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 (Appendix 10)
 - 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.

3.9 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 compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.

3.10 Details of the procedure adopted by the Licensing Committee for Panel Hearings has 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.

4. **ALTERNATIVE OPTION CONSIDERED**

4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

6.1 None

7. **BACKGROUND**

7.1 None.