

Licensing & Regulatory Panel

Tuesday 20 September 2016

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Tuesday 20 September 2016 at **2.00pm**.

Membership: Councillors Mrs Cain J.P, Davies and Mrs Stevens

Emergency Procedure

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

Agenda

1. **Appointment of Chair**

To appoint a Chair for the meeting.

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 premises licence under the Licensing Act 2003 for 130 Parade, Royal Leamington Spa**

To consider a report from Health & Community Protection **(Item 3/Page 1)**

Published Monday 12 September 2016

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 officers named in the reports.

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 20 September 2016		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for 130 Parade, Royal 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	12.9.2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	12.9.2016	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 Everards Brewery Limited for 130 Parade, 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 130 Parade, Royal Leamington Spa should be granted and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Everards Brewery Limited applied for a premises licence for 130 Parade, Royal Leamington Spa on 9 August 2016.
- 3.2 The premises licence is for a public house and will merge two existing premises into one licensed premises. These premises are The Lounge, 130 Parade and the Bedford, 75 Bedford Street.
- 3.3 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.
- 3.4 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 proposed DPS for the premises understands the responsibilities associated with all four of the Licensing objectives and will take the following steps to ensure the objectives are met:

All regulated entertainment that is permitted will take place inside the premises.

Staff members working at the premises will be fully trained in age verification and will be fully briefed on the Health and Safety policy for the premise.

The DPS will implement a 30 minute "drinking up" time to allow appropriate dispersal of customers.

Prevention of Crime and Disorder

There will be zero tolerance drug policy. Drug prevention measures will be employed and signs displayed where appropriate.

The DPS will ensure the premise is involved in local/police initiatives if/or when necessary to promote prevention of crime and disorder.

The DPS will ensure staff training is provided on ID policy and drug policy.

The DPS will not carry out any irresponsible sales promotions or discounting of prices of alcoholic beverages.

Any members of the Public acting in an anti-social or aggressive manner shall be asked to leave the premises.

Taxi Details will be made available at the premises.

Signs will be displayed at all exits asking customers to leave quietly.

Protection of Children From Harm

The following measures will be put in place to protect children from harm. Staff will be trained on all policies and all conditions to ensure children are protected from harm.

All staff will be trained on ID policy and prevention of the sale of alcohol to children.

Staff will be trained to identify adults purchasing alcohol for persons underage.

The DPS will operate a zero tolerance policy to this issue.

Films shown will be only viewed by an audience as per BBFC rating system.

Public Safety

Staff training will be provided on Health and Safety where appropriate.

The fire risk assessment will be strictly adhered too.

Glasses will regularly be collected.

Prevention of Public Nuisance

The following measures will be put in place to prevent public nuisance:

Prominent, clear notices shall be displayed at all exits requesting customers respect the needs of the local residents and leave the premise quietly.

Anti-social behaviour will not be tolerated.

The volume of any music will be regularly monitored by staff to ensure it is not at a level that will have a negative impact on neighbouring properties.

- 3.5 The Licensing Department have received two representations in relation to this application, these are attached as appendices 2 and 3. 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. 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.
2. No speakers for the amplification of music or speech shall be placed on the outside of the premises or on the outside of any building forming part of the premises.
3. No open vessels shall be taken outside the curtilage of the premises at any time.
4. 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.
5. A sound limiting device shall be fitted to any musical amplification system used for the provision of regulated entertainment and shall be set at a level determined by and to the satisfaction of an authorised officer of Warwick District Council's Environmental Health service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior approval from the Environmental Health Service.
6. Except in emergencies, no customers shall be permitted to access or exit the premises via the Bedford Street entrance(s) between the hours of 01:00am and 08:00am on any day.
7. Door supervision must be provided on Friday and Saturdays. Door supervisors must be on duty from 21.00hrs and must remain on duty until the premises are closed and all the customers have left.

8. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
9. there must be a minimum of 1 door supervisors on duty per entrance / exit that are in use and DPS must complete on going professional risk assessments as to how many door supervisor are required in addition to minimum requirement, and at any other time.
10. The premises licence holder must ensure that :
 - a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits
 - 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).
11. Refusals / Incident register to be maintained and made available for inspection on reasonable request from a Responsible Authority.
12. No persons under the age of 18 years will be allowed on the premises after 23.00hrs.
13. No entry/re-entry one hour before closing time (permitted hours) when premises open after 01:00hrs.
14. Premises will be a member of local police approved retail radio scheme and conform to its license, policies and procedure.
15. All Staff training records to be maintained and made available for inspection on reasonable request from responsible authority
16. No regulated entertainment to take place in any areas of the first floor of the premises

3.6 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)

3.7 Premises licences issued under the Licensing Act 2003 have been in place at 130 Parade and 75 Bedford Street since 2005. Licensing Officers and Street Marshalls are required to spend very little time at either premises.

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.**

- 3.9 A plan of the premises provided by the applicant will be made available at the hearing, a map of the area is attached as appendix 4 and photographs of the area are attached as appendix 5.

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.

	Opening Hours	Sale of alcohol for consumption on the premises.	Sale of alcohol for consumption off the premises.	*Recorded Music Ground floor only (Indoors)	*Live Music (Indoors)	Films (Indoors)	Late Night Refreshment (Indoors)
Monday	08:00 to 02:00	09:00 to 01:00	10:00 to 23:00	09:00 to 01:00	08:00 to 23:00	08:00 to 00:00	23:00 to 01:00
Tuesday	08:00 to 02:00	09:00 to 01:00	10:00 to 23:00	09:00 to 01:00	08:00 to 23:00	08:00 to 00:00	23:00 to 01:00
Wednesday	08:00 to 02:00	09:00 to 01:00	10:00 to 23:00	09:00 to 01:00	08:00 to 23:00	08:00 to 00:00	23:00 to 01:00
Thursday	08:00 to 02:00	09:00 to 02:00	10:00 to 23:00	09:00 to 01:00	08:00 to 23:00	08:00 to 00:00	23:00 to 02:00
Friday	08:00 to 03:00	09:00 to 02:00	10:00 to 23:00	09:00 to 02:00	08:00 to 00:00	08:00 to 00:00	23:00 to 02:00
Saturday	08:00 to 03:00	09:00 to 02:00	10:00 to 23:00	09:00 to 02:00	08:00 to 00:00	08:00 to 00:00	23:00 to 02:00
Sunday	08:00 to 02:00	09:00 to 01:00	10:00 to 23:00	09:00 to 01:00	08:00 to 23:00	08:00 to 00:00	23:00 to 01:00

For all the above New Year's Eve – The licensable activity will take place from the standard start time on 31 December to the standard finish time on 1 January.
An additional hour to the standards and nonstandard time's on the day when British Summertime commences.

*Between the hours of 08:00 and 23:00, when **recorded music** is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.

Between the hours of 08:00 and 23:00, when **amplified live music** is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises; or when **unamplified live music** is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence are deemed not to be in operation.

Emma Dudgeon

From: Craig Malin-Wall <
Sent: 10 August 2016 19:23
To: Licensing
Cc:
Subject: Ref: Application WDCPREM00871
Importance: High

Dear Sir/Madam,

As a resident of a neighbouring property (Flat 3, 73 Bedford Street, this sits alongside the middle to rear of the business premises in question), I would like to object to aspects of the application.

The side/rear doors and smoking area for the premises are located along the side of our apartment and already a large amount of noise is generated from the premises. My partner and I expected this when we moved in, however as we work standard business hours we would object to the license and opening hours being extended to 2/2:30am Monday to Wednesday and 3/3:30am Thursday to Sunday.

This would cause significant disruption to us during the week with the comings and goings of customers, as well as the noise aspect generated a) by said and customers and b) the extended music hours.

We would not object to extension of hours on a Friday and Saturday night (although would prefer they would not be extended), however mid week (Sunday to Thursday) would be too disruptive. For example considering we are already disturbed by a 5:30am on a Thursday morning, the pub being open until 2:30am the previous evening would definitely be excessive disruption. We would therefore not object to opening hours UP TO midnight Sunday to Thursday.

Thank you for considering our objection and would appreciate a response where possible.

Kind regards
 Mr & Mrs Malin-Wall

Emma Dudgeon

From: Licensing
Sent: 05 September 2016 08:24
To: Emma Dudgeon
Subject: FW: Objection - 130 Parade

-----Original Message-----

From: Steve Smith [
 Sent: 04 September 2016 20:02
 To: Licensing
 Subject: Objection - 130 Parade

Please accept this email as an objection to the current license application for the above property. The application number is WDCPREM0087.

In the first instance, I believe that the application is misleading.

The application is an attempt to amalgamate two licensed premises into one, & whilst the postal address & main entrance may be 130 Parade, the application deals with 2 planning units & 2 separate licensed premises

- The Lounge, 130 Parade, Leamington Spa - WDCPREM00224
- 75 Bedford Street, Leamington Spa - WDCPREM00663

As both licences currently exist, then the application should reflect this fact, it should highlight the changes to the Bedford Street licence & the significant increase in hours & capacity.

I am both a resident of Bedford Street & also have a licensed business there.
 I propose to deal with objections from both aspects.

As a resident of Bedford Street, the joining of two licensed premises into what would become the largest pub in Leamington will have a detrimental effect on the character of Bedford Street & the quality of life there.

Within the space of less than 100m, if this application were granted, Bedford Street would be home to Leamington's two largest pubs & the largest nightclub.

This would undoubtedly lead to an increase in public nuisance, noise & crime & disorder.

When I walk home along Bedford Street at the weekends, it is akin to running the gauntlet & the addition of a new 'superpub' would certainly amplify the problems.

In recent years, crime & disorder has decreased slightly in this part of Bedford Street, but it is still viewed as a crime & disorder hotspot. Allowing increased hours & capacity will undoubtedly increase issues once again.

Turning to the business I own & operate at 79 Bedford Street, I would like to raise the following points
 -

I currently have a planning application pending to demolish the property & convert it into a residential block.

If the application were to be successful, then my objection would be on the grounds of public nuisance, noise & crime & disorder.

I would not wish to have a block built next to a pub which is looking to increase it's hours by more than 50% during the week & 20% at the weekends.

The future amenity rights of the residents should be protected at this point.

If the planning application were not successful, then Rios would have a full refurbishment.

This would lead to a situation where Leamington's largest club would sit next to Leamington's largest pub, & both would have similar terminal hours.

There is no doubt whatsoever that this would ultimately lead to public nuisance & crime & disorder issues at closing time.

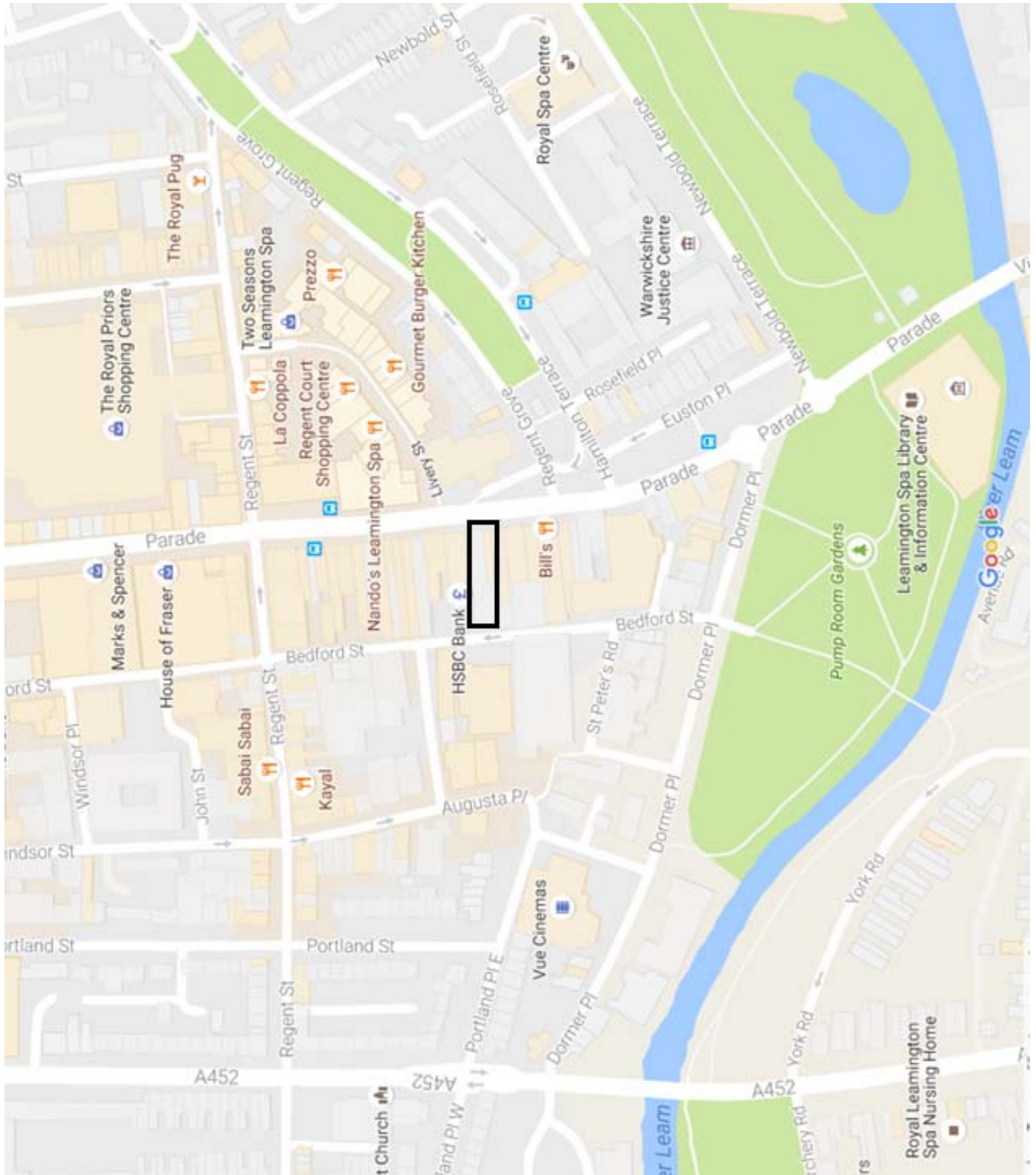
I could envisage Bedford Street once again becoming Leamington's crime & disorder capital & top of Leamington's crime hot spot charts.

I believe the application should be withdrawn & resubmitted with the correct details on in order that the wider public are made aware of the true intentions of the applicant.

I also believe that the application should be refused & that any requested increase in hours & capacity be rejected.

Regards

S Smith











STATEMENT OF LICENSING POLICY

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

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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.

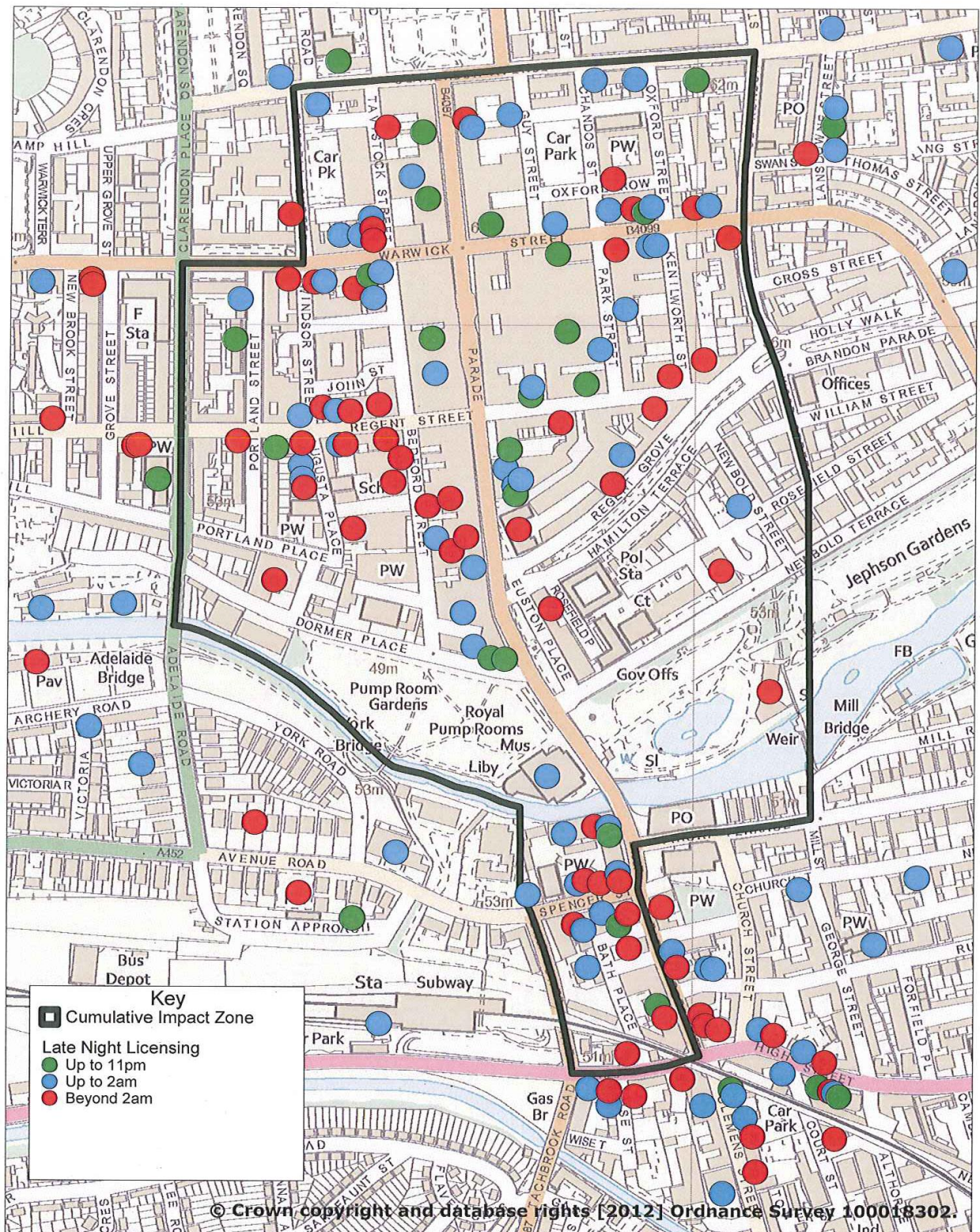
13.2 The entire area covered by Warwick District has been designated a Restricted Drinking Zone.

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