



Title	Application for the grant of a premises licence under the Licensing Act 2003 for Saint Bar, 40 Warwick Street, 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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 & Sustainability Impact Assessment Undertaken	No

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

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a new premises licence from Mr Ulief Coppor Burton for Saint Bar, 40 Warwick Street, Leamington Spa.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of this application.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the grant of a premises licence for Saint Bar, 40 Warwick Street, Leamington Spa, should be approved and if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Mr Burton has applied for a premises licence for 40 Warwick Street, Leamington Spa. The table attached as appendix 1 shows the licensable activities that have been applied for.
- 3.2 An operating schedule which will form part of any licence issued has been supplied as follows:

General

Staff training is carried out and recorded in relation to recognising and dealing with intoxicated, underage and rowdy customers.

A personal licence holder must be on the premises at all times after 18:00 hours on all occasions when the premises are open.

The premises licence holder must supply to the Licensing Officer at Leamington Spa's Police Station a full month's list of events taking place at the licensed premises by the first day of each month. If bookings are made for parties or events at short notice such details must also be supplied in writing prior to the event and in any event as soon as reasonably practicable.

The licence holder must attend a meeting with an appointed representative from Warwickshire Police and the Licensing authority at interval of no less than two months.

Prevention of Crime and Disorder

Three door staff must be employed every Thursday, Friday and Saturday from 21:00 hours until the premises have closed and all customers have left, at least one of the door staff must be on duty at the front entrance to the premises and be equipped with a retail radio and earpiece.

A professional risk assessment must be carried out to decide whether door staff are required on other nights of the week and when special events take place.

An ID scanning system must be installed and must be used at all times that licensing activities are carried out at the premises and door staff are employed.

A report or printout containing a statistical analysis of information gathered by the ID scanning system must be sent to Warwickshire Police every week.

CCTV to be installed to current British Standards BS7958. The cameras shall cover all public areas and have no blind spots and include head and facial recognition.

The cameras image must be digitally recorded at 25 frames per second but, as a minimum, 12 frames per second and the recording kept for a minimum of 31 days. At least one member of staff must be on duty at all times when the premise is open who is able to operate the CCTV system and download images upon request by any authorised officer.

The premises must be a member of the Warwickshire Police approved PubWatch Scheme and must conform to its policies and procedures.

The premises must be a member of the Warwick District approved radio scheme, ensure the equipment is in working order, switched on when the premises is open and earpieces worn where appropriate. All staff must be trained in their use.

Public safety

The door staff shall use a clicker in and clicker out to ensure that the maximum number of people in the premises does not exceed 200.

The premises licence holder must ensure the individuals who are drunk and/or disorderly shall not be permitted access to the premises. The licence holder must ensure that all SIA badges are displayed on armbands worn by the door supervisors and must be valid and up to date. The licence holder must ensure that all door supervisors sign on duty as they start work and off duty when they leave and that they record all incidents which are of a serious nature and reports such incidents to the police immediately.

No open vessels shall be removed from the premises at any time.

The premises must be a member of the Warwickshire Police approved PubWatch Scheme and must conform to its policies and procedures.

Spirits must not be offered as doubles by default.

The prevention of public nuisance

All windows and doors shall be kept closed from 23:00 except to allow entry and egress from the premises.

The basement garden area shall be vacated by 23:00 hours.

Live and recorded music shall not be intrusive at the nearest elevation of any neighbouring residential properties, nor within the properties themselves.

The protection of children from harm

No persons under the age of 18 shall be permitted on the premises after 21:00 hours.

- 3.3 Relevant representations have been received from Warwickshire Police, attached as appendix 2, Environmental Health, attached as appendix 3 and five residents within the vicinity attached as appendices 4 to 9.
- 3.4 Warwickshire Police have submitted further evidence for the applicant and their solicitor, the panel and legal officer, however, due to the sensitive nature of the evidence this has not been circulated with the agenda.
- 3.4 A representation was received from Trading Standards, attached as appendix 10, and the following conditions have been agreed and will be added to the licence if granted:
 - 1. A Challenge 25 age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.

2. A challenge log recording all challenges – where both sales and refusals result.
3. A prompt or reminder to staff, at the point of sale to consider whether a sale or challenge ought to be made.
4. Regular staff training to ensure that both the law and company policies/procedures are understood, up-to-date and applied consistently.

3.5 **These premises are contained within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**

3.6 A map of the area of the premises is attached as appendix 11.

3.7 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 12)
- 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.

3.8 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.

3.9 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.

4. **BUDGETARY FRAMEWORK**

4.1 Any costs involved in any appeal could be levied against the Licensing Authority.

5. **ALTERNATIVE OPTION(S) CONSIDERED**

5.1 No alternatives may be considered

6. **BACKGROUND**

6.1 None