

 <b>Licensing &amp; Regulatory Committee</b> <b>8 July 2015</b>		<b>Agenda Item No. 3</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for Pig & Fiddle, 45 High Street, Leamington Spa.	
<b>For further information about this report please contact</b>	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality and Sustainability Impact Assessment Undertaken</b>	No

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service		Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		Moira-Ann Grainger
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps - None</b>		

1. **SUMMARY**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence from Mr Sodi Deo.
- 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 Pig & Fiddle, 45 High Street, Leamington Spa should be approved and, if so, whether the licence should be subject to any conditions.

3. **THE APPLICATION**

- 3.1 Mr Deo applied for a premises licence on 22 May 2015. Following meetings held between the applicant, Environmental Health and Warwickshire Police, the licensing hours requested have been amended. The licensable activities which are now being applied for are set out in the table shown as Appendix 1.
- 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**

To liaise with local law enforcement as to any issues that may arise or that we should be aware of. To report any accidents or incidents to the relevant authorities and keep records to support this. To install CCTV in both the bar and garden areas. The DPS or authorised representative to be on the premises at all times.

**The prevention of crime and disorder**

To remain an active member of the local Pub Watch scheme.  
There will be a zero tolerance drug policy.  
CCTV to be installed in the bar and garden area.

**Public Safety**

Provision of sufficient first aid box and accident reporting procedures.  
CCTV to be installed in the bar and garden area.

**The prevention of public nuisance**

Customers requested to leave premises in orderly manner, including signage to reinforce this.  
Customers requested to respect local residents.  
CCTV to be installed in the bar and garden area.

**The protection of children from harm**

Adherence to the Challenge 25 Policy.  
No children will be allowed on the premises after 21:00 except in the event of a private function and except for children residing on the premises.  
No unusual risks of harm to children have been identified.

- 3.3 Representations have been received from Royal Leamington Spa Town Council, attached as Appendix 2.
- 3.4 Representations were received from Environmental Health and Warwickshire Police, however following the agreement of conditions both responsible authorities have withdrawn their representations. The conditions agreed by the applicant and which will form part of any licence granted are shown below.
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 or persons.
  2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
  3. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
  4. All outdoor areas shall be cleared by 23:00, except for the purposes of smoking.
  5. After 23:00, the number of patrons permitted to smoke in the rear garden area shall be limited to no more than 10 persons at any one time.
  6. 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.
  7. No open vessels shall be taken outside the curtilage of the premises at any time.
  8. No open vessels to be permitted in the rear beer garden area after 23:00.
  9. The premises licence holder or nominated person shall ensure that exits are manned at closing time to ensure patrons leave the area quickly and as quietly as possible.
  10. The premises licence holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start or regulated entertainment and periodically throughout regulated entertainment. Where noise breakout from the premises is observed at a level likely to cause disturbance to occupants of properties in the vicinity, then the volume of music shall be reduced to a level that does not cause disturbance.
  11. CCTV to be installed to the current British Standard BS7958. This consists of:
    - Cameras shall cover all public areas.
    - Head and facial recognition coverage.
    - Recordable and retained for a minimum of 31 days.
    - CCTV images to be made available to Police or Local Authority upon reasonable request.
    - Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.
    - Signed off by Warwickshire Police Architectural Liaison officer.
  12. All Staff training records to be maintained and made available for inspection on reasonable request from a responsible authority.
  13. Staff to be trained in drunk and drugs awareness.
  14. No entry after 00:00 hours

15. Door staff to be employed every Friday and Saturday night irrespective of closing time, unless agreed in writing with Warwickshire Police Licensing and Warwick District Council Licensing, that door staff are not required. Both Warwickshire Police and Warwick District Council will have the right of veto on the request, and/or the right to withdraw the permission at any time with reasonable grounds.
16. DPS to make ongoing professional risk assessments as to whether to employ door supervisors at any other time.
17. Door supervisors to be employed on Christmas Eve and New Year's Eve from 21:00 hours until close.
18. When required door supervisors will start no later than 21:00 hours until close.
19. Premises will be an active member of the locally approved retail radio scheme and conform to its policies and procedures.
20. Incident Handling - There will be bound books held on the premises, under the responsibility of the DPS or manager for the purposes of recording incidents that take place on the premises. All incidents involving violence, Drugs, Disorder, Weapons, illness requiring medical attention and ejections shall be recorded as soon as practicable in the Incident Book. Any incident book must be made available for inspection to an officer of a responsible authority upon request.

3.5 There have been no representations received from:

- Trading Standards
- 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

3.6 Until May 2015 there was a premises licence at 45 High Street, Leamington Spa. However this was surrendered by the previous licence holder. The previous licensable hours are shown below.

Sale of Alcohol for Consumption On the Premises

Monday to Sunday from 08:00 to 01:00

On New Year's Eve from end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Sale of Alcohol for Consumption Off the Premises

Monday to Sunday from 08:00 to 23:00

Recorded Music; Other activities of a similar description to that of live music, recorded music or performance of dance; Films (All Indoors)

Monday to Sunday from 08:00 until 23:30

Live Music

Monday to Sunday from 08:00 until 23:30

Performance of dance (Indoors only)

Monday to Sunday from 08:00 until 23:30

Indoor sporting events

Monday to Sunday from 08:00 until 23:30

Entry and re-entry

No entry or re-entry shall be permitted to the premises after 00:00 (midnight) seven days a week

The opening hours of the premises

Monday to Sunday from 08:00 until 01:00

Late night refreshment (Indoors only)

Monday to Sunday from 23:00 until 01:00

3.7 A map of the area of the premises is attached as Appendix 3 and a plan of the internal area of the premises submitted by the applicant is attached as Appendix 4.

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.**

#### 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 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.

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.