

	<b>Licensing Panel</b> <b>30<sup>th</sup> June 2011</b>	<b>Agenda Item No.</b>
<b>Title</b>	Application for a premises licence under the Licensing Act 2003 for 48 Station Road, Kenilworth	
<b>For further information about this report please contact</b>	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. <a href="mailto:david.davies@warwickdc.gov.uk">david.davies@warwickdc.gov.uk</a>	
<b>Service Area</b>	Community Protection	
<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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006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>Officer/Councillor Approval</b>		
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).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	10.06.2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	10.06.2011	Councillor Coker
<b>Consultation Undertaken</b>		
N/A		
<b>Final Decision?</b>		Yes

## 1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol and provide regulated entertainment and late night refreshment must apply for a premises licence.

## 2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a premises licence should be approved, and, if so, whether it should be subject to any conditions.

## 3. REASONS FOR THE RECOMMENDATION

- 3.1 Paul Gerald Murphy has applied for a premises licence for 48 Station Road, Kenilworth to permit the following:

- *The sale of alcohol (on the premises)*

**11:00 to 00:30    Sunday to Thursday**  
**11:00 to 01:00    Friday to Saturday**

- *Late night refreshment (indoors only)*

**23:00 to 00:30    Sunday to Thursday**  
**23:00 to 01:00    Friday to Saturday**

- *Live music and the performance of dance (indoors only)*

**08:00 to 23:00 seven days a week**

- *Recorded music (indoors only)*

**11:00 to 00:30    Sunday to Thursday**  
**11:00 to 01:00    Friday to Saturday**

- *The opening hours are shown as:*

**08:00 to 00:30    Sunday to Thursday**  
**08:00 to 02:00    Friday to Saturday**

All the above extended on New Year's Eve until the end of permitted hours on New Year Day

- 3.2 The premises is described as a 'Public Bar and Restaurant serving food and beverages'

- 3.3 An operating schedule, which will form part of any licence issued, has been submitted and is shown below:

### The prevention of Crime and Disorder

A suitable CCTV System will be maintained and be operational on the premises at all times when licensed activities are being carried out.

## Prevention of public Nuisance

1. There will be no external loudspeakers.
2. No nuisance will be caused by noise or vibrations emanating from the premises from external plant or equipment
3. The Licencee will ensure patrons use external areas in a manner which does not cause nuisance to nearby residents and businesses in the vicinity. Patrons will not use such areas after 23:00.
4. The Licencee will adopt a "cooling down" period where music volume is reduced towards the closing time of the premises.
5. No nuisance will be caused by noise or vibration emanating from the premises. Licensable activities will be conducted and the facilities for licensed activities will be designed and operated so to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure of adjoining premises. The property has air conditioning so all windows can remain closed.
6. Bottles will not be placed in any external receptacle after 23.00 hours to minimise noise disturbance to adjoining properties.
7. Clear and legible notices will be displayed at exits and other circulatory areas requesting patrons to leave the premises having regards to the needs of local residents, in particular emphasising the needs to refrain from shouting, slamming car doors, sounding horns and loud use of vehicle stereos and anti-social behaviour.

- 3.4 The applicant has accepted a condition requested by Warwickshire Police who have withdrawn their representation on the understanding that the condition is added to any premises licence issued:

*CCTV to be installed to current British Standards. Cameras shall cover all public areas with no blind spots and have head and facial recognition software. The recording must be digital and be kept for a continuous period of 31 days. The system should ideally operate at 25 frames per second, but as a minimum standard, 12 frames per second. A member of staff who is trained in the operating of the CCTV system must always be on duty when the premises is conducting licensable activities.*

Representations against the application have been received from several interested parties which are shown as appendices 1 to 13

- 3.5 A map of the area is shown as Appendix 14
- 3.6 For information only, the premises has previously held a premises licence in the name of 'She Bar'. This licence was surrendered in November 2010 and permitted:

*Sale of Alcohol for Consumption On the Premises  
Monday to Sunday from 11:00 to 00:30*

*Live Music (Indoors only)  
Thursday, Friday and Saturday from 08:00 to 23:00.*

*Recorded Music (Indoors only)  
Monday to Sunday from 08:00 to 00:30*

*Performance of dance (Indoors only)  
Monday to Sunday from 08:00 to 23:00*

*Late night refreshment (Indoors only)  
Monday to Sunday from 08:00 to 00:30*

*The opening hours of the premises  
Monday to Sunday from 08:00 to 00:30*

*For all the above On New Years Eve from end of permitted hours on New  
Years Eve to permitted hours on New Years Day.*

- 3.6 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 15).
  - 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.

- 3.7 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.
- 3.8 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.