

A Licensing & Regulatory Panel will be held at the Town Hall, Royal Leamington Spa on Thursday 9 January 2020, at **2.00pm**.

Membership: Councillors Luckhurst, Mangat and Redford

Substitute Member: Councillor Cullinan

Emergency Procedure

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

Agenda

1. **Appointment of Chairman**

To appoint the Chairman of 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 Ronnie's of Warwick, 4-6 Jury Street, Warwick, CV34 4EW**

To consider a report from Health & Community Protection **(Pages 1 to 83)**

Published Friday, 20 December 2019

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 officer named in the report. 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 of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request, prior to the meeting, by telephoning (01926) 456114

 Licensing & Regulatory Committee 9th January 2020		Agenda Item No. 3
Title	Application for a premises licence under the Licensing Act 2003 for Ronnie's of Warwick, 4-6 Jury Street, Warwick, CV34 4EW	
For further information about this report please contact	Tayyibah Daud, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Tayyibah.daud@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 Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	20/12/2019	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
None		
Final Decision?		Yes
Suggested next steps: N/A		

1. **Summary**

- 1.1 Warwick District Council Licensing Authority has received a valid application for a premises licence for Ronnie's of Warwick, 4-6 Jury Street, Warwick, CV34 4EW
- 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 Ronnie's of Warwick, 4-6 Jury Street, Warwick, CV34 4EW, should be granted and, if so, whether the licence should be subject to any additional conditions.
- 2.2 When considering the application, the panel must also 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 22)
 - 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.

- 2.3 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.
- 2.4 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.

3. **Reasons for the Recommendation**

- 3.1 Ronnie's of Warwick Ltd Limited applied for a premises licence for Ronnie's of Warwick, 4-6 Jury Street, Warwick, CV34 4EW on 12th November 2019.
- 3.2 The licensable hours and activity applied by the applicant are shown in the table below, since submitting the application the applicant has amended their application so that the provision of all regulated entertainment at the premises will take place indoors only:

Licensable activity	
Plays (Indoors only)	Monday to Saturday from 11:00 to 23:00 Sunday from 11:00 to 21:00
Films (Indoors only)	Monday to Saturday from 11:00 to 23:00 Sunday from 11:00 to 21:00
Live Music (Indoors only)	Monday to Saturday from 11:00 to 23:00 Sunday from 11:00 to 21:00
Recorded Music (Indoors only)	Monday to Saturday from 11:00 to 23:00 Sunday from 11:00 to 21:00
Performances of Dance (Indoors only)	Monday to Sunday from 11:00 to 23:00
Anything of a similar description to that falling within Live Music, Recorded Music and Performances of Dance (Indoors only)	Monday to Saturday from 11:00 to 23:00 Sunday from 11:00 to 21:00
The Provision of Late Night Refreshment (Indoors only)	Friday and Saturday from 23:00 to 00:00
Supply of Alcohol – (On the premises only)	Monday to Wednesday from 11:00 to 23:00 Thursday from 11:00 to 23:30 Friday and Saturday from 11:00 to 00:00 Sunday from 11:00 to 22:30
Opening Hours	Monday to Thursday from 11:00 to 23:30 Friday and Saturday from 11am to 00:30 Sunday from 11am to 23:00

An operating schedule, which has been submitted by the applicant and will form part of any licence issued is attached as appendix 1.

The applicant has agreed conditions with Trading Standards which are attached as appendix 2.

3.3 The Licensing Department initially received 15 representations from residents. However, since the amendments shown in the table above, there are currently 13 representations, these are attached as appendices 3 to 15.

3.4 No representations have been received from:

- Warwickshire Police
- Environmental Health
- Fire Authority
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

There has been a premises licence issued under Licensing Act 2003 in place at 6 Jury Street, since 2006. In 2014 the previous licence holder, Café Catalan Ltd applied for a new licence for 4 – 6 Jury Street which was granted in March 2014. However, Café Catalan Ltd went into liquidation in September 2019 and therefore the premises licence lapsed.

- 3.5 A plan of the premises is attached as appendix 16. A map of the area is attached as appendix 17 and photographs of the premises will be made available at the panel.

A copy of the statement of licensing policy is attached as appendix 18.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council's Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy Increased employment and income levels
Impacts of Proposal		
The licensing policy recognises 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.	None	The licensing policy relates 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.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u>	<u>Intended outcomes:</u>	<u>Intended outcomes:</u>

All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
None	None	None

4.2 **Supporting Strategies**

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are contained within the WDC Risk Management Policy & Guidelines.

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.

Operating Schedule

The Prevention of Crime and Disorder

In addition to practices in operation, CCTV has been installed throughout the premises including exit and entrance points. Continuous staff training and supervision. Compliance of proof of age and accredited cards. To also ensure that no nuisance to our neighbours and to close the gardens at all times. Also monitoring the safe use of glassware. To ensure licensable activities finish at good times before the premises closes to the public to allow for orderly departure.

Public Safety

In addition to CCTV, entrance to premises will be restricted and staff will be very conscious of limits on numbers of clients. Admissions to be restricted after 11pm.

The prevention of public nuisance

All staff will be aware of the importance of noise abatement. We will ensure exit from the premises is controlled and quiet. The same applied for the outside garden.

The protection of children from Harm

Admittance of children will only be permitted with responsible adults and we will have trained the staff in continued implementation of accredited age card checks.

Conditions agreed with Warwickshire Trading Standards

1. A 'Challenge 25' age verification policy requiring proof of age by passport, photo driving licence or PASS accredited card.
2. A 'challenge log' (refusals book) 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 (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits).
4. Regular staff training to ensure that both the law and company policies / procedures are understood, up-to-date and applied consistently.

Tayyibah Daud

From: [REDACTED]
Sent: 28 November 2019 08:48
To: Licensing
Subject: Ronnie's of Warwick

The current application (reference WDCPREM00947) for Ronnie's of Warwick, 4-6 Jury Street, Warwick for the major expansion of the license covering both inside and outside entertainment for film, live and recorded music will cause major nuisance for the residents seven days a week. There are many family homes surrounding this property, Ronnie's of Warwick should not be able run their business but not at the cost of these people and for this reason I oppose the license application.

Regards

[REDACTED]

Tayyibah Daud

From: Judith Holmes [REDACTED]
Sent: 05 December 2019 13:32
To: Licensing
Subject: Objection to Application No WDCPREM00947

Mrs Judith Holmes
[REDACTED]

Warwick CV34 [REDACTED]

I would like to object to the extended entertainment license by the new owners of Catalan (Ronnie's) in Jury Street Warwick.

Outside live music etc is far too loud. The previous owners had live music 2 nights a week. The noise was horrendous and my house would shake because of the noise and I am not that close to it. Music inside would be acceptable. This is a residential area.

Sent from my iPhone

Licensing Act 2003 Representation Form		
Section 1 - Application Details		
I object to the following Application:		
Applicant's name (if known): Premises name and address: Ronnie's of Warwick, 4-6 Jury Street, Warwick, Warwickshire, CV34 4EW		
Application for a	Premises Licence..... ☒ X Club Premises Certificate..... ☐	
Application to vary an existing	Premises Licence..... ☐ Club Premises Certificate..... ☐	
Application Number		

Section 2 - Objector details	
Individual Objectors Details:	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr ☒ Mrs ☐ Miss ☐ Other _____
Surname	Dawson
First name(s)	Bernard
Address (incl postcode): 8 Caste Street Warwick CV34 4BP	

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
My objection is relevant to the following licensing objective: <i>You can tick more than one box</i>	☐ Prevention of crime and disorder. ☒ Prevention of public nuisance. ☐ Protection of children from harm. ☐ Public safety

X	I object to the application being granted at all
	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following: You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected. Please attach supporting documents / further pages as necessary - Please number all extra pages This application seeks to increase the frequency with which live music can be performed outdoors at 6 Jury Street beyond the level at which music was previously performed outdoors under the previous business that occupied these premises (Catalan). It is seeking outdoor performances until late hours which are not suited to a residential area and additionally, this application seeks permission for other 'entertainments' of equal nuisance capacity, such as cinema, theatre and dance. We (my wife and I) found the playing of live music in the rear of Catalan to be extremely intrusive and had to wait for it to finish before it was possible to go to bed, due to the volume the music was played at outdoors, which is by its nature unregulated and uncontained. We did not take issue previously due to the limited occasions when this happened under the stewardship of Malcolm Cook. We however objected to the application for an extension of the license by Mr Cook. We object to the application by Ronnie's of Warwick as it seeks permission for the allowance of activities outside the rear of the premises of 6 Jury Street, which are of a wide variety including live and recorded performances delivered in an unregulated manner over a regular and extended period of time. This extension to the previous license which was held by Mr Cook has a high likelihood of causing an ongoing permanent weekly noise nuisance to multiple residential properties adjacent to and in close proximity to Jury Street, Castle Street, Castle Lane, Neville Court and beyond. A recent application for similar activities to be performed/broadcast indoors only at 26-28 High Street was granted only if the building were suitably acoustically insulated to prevent nuisance noise breakout from the building. In this application outdoor activities of a similar nature are being proposed where there is absolutely no possibility to mitigate the noise emission.
Signed...../...../..... Date.....28.11.2019.....

Licensing Act 2003 Representation Form	
Section 1 - Application Details	
I object to the following Application:	
Applicant's name (if known): Suzanah McIntyre Premises name and address: Ronnies of Warwick	
Application for a	Premises Licence..... ☐ Club Premises Certificate..... ☐
Application to vary an existing Variation and extensions to licence	Premises Licence..... ☐ Club Premises Certificate..... ☐
Application Number	WDCPREM00947

Section 2 - Objector details	
Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mrs _____
Surname	McHale
First name(s)	Jayne McHale
Address (incl postcode): 22 Castle Street Warwick, CV34 4BP	

Section - Objection Details	
My objection is relevant to the following licensing objective: <i>You can tick more than one box</i>	☐ Prevention of crime and disorder. ☒ Prevention of public nuisance. ☐ Protection of children from harm. ☐ Public safety

X	I object to the application being granted at all
	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
--

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

This premises has been increasingly more intrusive in terms of noise over the last few years until the previous owners left. Music played on a Friday and Saturday and occasionally Sunday, was acceptable to a point, however in recent months the music started earlier, rarely finished on time and became increasingly loud.

The new tenants are now asking for music and entertainment every night, both inside and outside until 23hrs. Alongside this, the alcohol licence hours is being requested to be extended to match the entertainment hours. This means noise, rowdy and loud behaviour will become the norm for those of us who live close to the venue. This constitutes a public nuisance and in an area where there is considerable domestic residents this is unacceptable. There are considerable numbers of residents in Neville Court, Eastgate house, Castle Lane, Castle Street and indeed those who live on the High Street. From Castle Street the music is intrusive and often means that we have to keep windows shut during the summer, and even double glazing does not cut out the noise, or indeed the vibrations.

The noise made by people leaving venues is also an issue. The Carparks on Castle Lane are used by those on a night out and although (hopefully) the drivers are sober, the other members of the group often are not. Again – on Friday and Saturday this is just about acceptable. Potentially every night of the week is not!

Signed  Date 05/12/19

NOTES

- Please complete all information or your objection may not be considered.

Licensing Act 2003 Representation Form	
Section 1 - Application Details	
I object to the following Application:	
Applicant's name (if known): Ronnie's of Warwick Limited Premises name and address: 4-6 Jury Street, Warwick, CV34 4EW	
Application for a	Premises Licence..... ☒ Club Premises Certificate..... ☐
Application to vary an existing	Premises Licence..... ☐ Club Premises Certificate..... ☐
Application Number	WDCPREM00947

Section 2 - Objector details	
Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr ☒ Mrs ☐ Miss ☐ Other _____
Surname	Pearson
First name(s)	David
Address (incl postcode): 8 Jury Street Warwick CV34 4EW	

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	Edwards Pearson & White LLP
Please state nature of representation: Business	

Section - Objection Details	
My objection is relevant to the following licensing objective: <i>You can tick more than one box</i>	☐ Prevention of crime and disorder. ☒ Prevention of public nuisance. ☐ Protection of children from harm. ☐ Public safety

☐	I object to the application being granted at all
☒	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
See below
Signed..  Date.....6/12/2019

NOTES

- Please complete all information or your objection may not be considered.

Our objection is based on the following:

The conditions regarding prevention of public nuisance, in particular noise, have not been carried forward from the previous licence in the name of Café Catalan Ltd. to the new licence application.

The conditions in the previous Catalan licence stated

‘Any recorded or live music will be maintained within the agreed licensing terms and at levels that do not constitute a nuisance.....

2. Noise arising from regulated entertainment within these premises when measured 1 metre from the facade of any noise sensitive premises shall not be such as to constitute a statutory nuisance.

3. All windows and external doors shall be kept closed (except for access and egress) after 23:00 hours, or at any time when regulated entertainment takes place. Ventilation systems to be available to enable doors and windows to be closed when regulated entertainment is being provided.

4. Regulated entertainment will end by 23:00 and only background music to be provided thereafter. There will be no more than 10 (ten) live music events per calendar year at the premises. The Environmental Health department at Warwick District Council must be notified, in writing, no less than 5 days prior to the provision of any live music event at the premises.

All customers will be reminded of the consideration to the public regarding noise levels when entering or leaving the premises.’

This has been replaced in the current application by

‘Prevention of Public Nuisance

‘All staff will be aware of the importance of noise abatement. We will ensure exit from the premises is controlled and quiet. The same applied for the outside garden.’

There are no controls of any description in the new licence application relating to noise nuisance.

I would also draw the licensing authority’s attention to planning application W/19/0674 granted on 5 December 2019 regarding the installation of a new kitchen extraction system. The question of noise, nuisance and impact has been extensively and expertly examined as part of that application. As a result, a condition was imposed as follows;

‘Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. REASON: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.’

In my view it would be perverse in the extreme if the volume of noise from regulated and other entertainment was allowed to exceed a level which has already been set by the Council’s planning department at a level which if exceeded would constitute a statutory nuisance.

The conditions in the previous licence were there as protection for the local community. There are no reasons why those conditions should be diluted let or removed entirely.

I request that if granted the licence should include the following (or similar providing the meaning remains the same) conditions;

'Any recorded or live music or noise arising from regulated entertainment within these premises (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level'

All windows and external doors shall be kept closed (except for access and egress) after 23:00 hours, or at any time when regulated entertainment takes place. Ventilation systems to be available to enable doors and windows to be closed when regulated entertainment is being provided.

Regulated entertainment will end by 23:00 and only background music to be provided thereafter. There will be no more than 10 (ten) live music events per calendar year at the premises. The Environmental Health department at Warwick District Council must be notified, in writing, no less than 5 days prior to the provision of any live music event at the premises.

All customers will be reminded of the consideration to the public regarding noise levels when entering or leaving the premises.'

As the closest noise sensitive premises to the applicant we have historically experienced noise nuisance during our working day. Interrupting client meetings and the concentration of our highly qualified staff and other employees. On maybe 5 or 6 occasions it has required the intervention of WDC Environmental Health Dept. Our concern is that the extension to daytime opening hours without any conditions regarding noise could make it extremely difficult or impossible for us to carry on our business.

Licensing Act 2003 Representation Form	
Section 1 - Application Details	
I object to the following Application:	
Applicant's name (if known): Ronnie's of Warwick Premises name and address: Ronnie's of Warwick, 4-6 Jury Street, Warwick, CV34 4EW	
Application for a	Premises Licence
Application to vary an existing	
Application Number	WDCPREM00947

Section 2 - Objector details	
Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr
Surname	Fowler
First name(s)	Jason
Address (incl postcode): 3a Jury Street, Warwick, CV34 4EH	

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
---------------------------------	--

Please state nature of representation:
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Section - Objection Details

My objection is relevant to the following licensing objective: <i>You can tick more than one box</i>	☐ Prevention of public nuisance.
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☐	I object to the application being granted at all
X	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
--

I currently live in rented accommodation across from the premises. All the buildings over the road are single glazed. By granting this license to play live, loud music every day of the week you will cause serious harm to the peace and enjoyment of my residential property.

I fully understand the needs and desires of the applicant, but every day of the week for live music is way too excessive.

Weekends I have absolutely no issue with music being played until late as thats just part of life, but this license grants the permission to play live music every single day of the week, as well as films/plays.

I am a single parent with shared care of a 7 year old girl. I have to get up at 6am every day during that time to get her to school. I fear if live music is playing until 11pm every night this would degrade both mine and my daughters quality of life.

If this license is granted (And its terms met) I will have no choice but to move away, this is how serious an issue this would be to me.

I beg for a weekend restricted license to Live Music/Recorded Music and the other entertainments listed. I have no objection to the serving of alcohol as long as the noise is kept to a minimum.

Signed



Date 06/12/2019

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
- This form must be returned within 28 days from the day after the application was made. The exact date may be found on the council's website.
- The objection may only relate to one or more of the four licensing objectives.

Please return this form when completed to:

Warwick District Council
Licensing Team,
Health and Community Protection,
Riverside House,
Milverton Hill,
Royal Leamington Spa.
CV32 5HZ

licensing@warwickdc.gov.uk

Tel: 01926 456113
Fax: 01926 456121

C.S.T.

10 DEC 2011

Licensing Act 2003 Representation Form



WARWICK DISTRICT COUNCIL

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known): **SUZANAH MCINTYRE**

Premises name and address: **RONNIES OF WARWICK LIMITED**

Application for a	Premises Licence..... ☒
	Club Premises Certificate..... ☐
Application to vary an existing	Premises Licence..... ☐
	Club Premises Certificate..... ☐
Application Number	WDC PRE M00 947

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title	Mr ☒ Mrs ☐ Miss ☐ Other _____
Surname	CHAMBERLAINE - BROTHERS
First name(s)	RICHARD JOHN
Address (incl postcode):	24 CASTLE STREET, WARWICK CV34 4BP

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

☐ Prevention of crime and disorder.

☒ Prevention of public nuisance.

☐ Protection of children from harm.

☐ Public safety

I object to the application being granted at all

I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

I live in sight of the rear of Ronnie's (formerly Catalan). When Catalan operated with a band and late-night music at the rear of their premises I was one of many residents who objected. In particular I found it impossible to get to sleep until the music stopped, partly because I live in a Grade II listed Building which cannot have double glazing fitted.

The present Application for the performance of Plays, live and recorded music, and Dance (indoors and outdoors) from 11.0 to 23.00 (Mon-Sat), Sunday 11.0-21.00, together with consumption of alcohol, will certainly create an unacceptable level of noise to me, and no doubt to others who live in the vicinity.

Signe

Date..... 6..... December..... 2019

Licensing Act 2003 Representation Form		
Section 1 - Application Details		
I object to the following Application:		
Applicant's name (if known): Ronnie's of Warwick Premises name and address: 6 Jury St Warwick		
Application for an entertainment license	Premises Licence..... ☐ Club Premises Certificate..... ☐	
Application to vary an existing	Premises Licence..... ☐ Club Premises Certificate..... ☐	
Application Number		

Section 2 - Objector details	
Individual Objectors Details:	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr ☐ Mrs ☐ Miss ☐ Other _____
Surname	Nicola
First name(s)	Mills
Address (incl postcode): 33 Neville Court Castle Lane Warwick CV34 4EZ	

Section - Objection Details	
My objection is relevant to the following licensing objective: <i>You can tick more than one box</i>	☐ Prevention of crime and disorder. ☒ Prevention of public nuisance. ☐ Protection of children from harm. ☐ Public safety

	I object to the application being granted at all
x	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
--

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

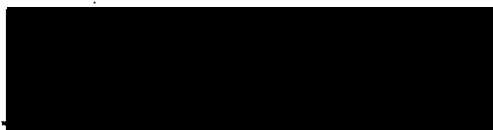
Please attach supporting documents / further pages as necessary - Please number all extra pages

I feel it necessary to object to a license being granted for live entertainment in the rear, outside area or the building previously used by Catalan. Over the last five years, the regular live music (on Fridays and Saturdays during the summer months) in particular caused a great deal of disturbance to residents living on Castle Lane and in particular Neville Court, so much so that at times the walls of my house were vibrating. On many summer evenings we were unable to sit outside and those with young children or working shifts which required an early start were unable to sleep. Requests to reduce the volume were largely ignored and often the music continued until after licensing hours.

This was witnessed by officers Matthew Shirley and Emma Dudgeon in 2015.

Although Catalan's live music was excessively loud, I feel it necessary to object to entertainment licence being granted in this area at all, due to the location in close proximity to residents on and around Castle Lane and the fact that the surrounding buildings have an 'echo effect'.

In principal I would not object to a license being granted for other areas of the restaurant and bar provided that the Council takes measures to ensure that these are fully sound proofed and that those attending exit the building on Jury Street.

Signed..........
Date.....6th December 2019

NOTES

- Please complete all information or your objection may not be considered.
- Try to be as specific as possible and give examples e.g. on 1 February I could hear loud music from the premises between 10pm and 1 am I am concerned that if the premises open until 2 am this will cause a nuisance to me and other residents of the street
- Groups may include a Residents Association, Parish or Town Council, District Council Ward Councillor (list residents who have approached you to represent them), trade association
- If you do make a representation you will be invited to attend a meeting of the Licensing Authority's Panel and any subsequent appeal proceeding. If you do not attend, the Panel will consider any representations that you have made and apply any weight to it they deem appropriate
- This form must be returned within 28 days from the day after the application was made. The exact date may be found on the council's website.
- The objection may only relate to one or more of the four licensing objectives.

Please return this form when completed to:

Warwick District Council
Licensing Team,
Health and Community Protection,
Riverside House,
Milverton Hill,
Royal Leamington Spa.
CV32 5HZ

licensing@warwickdc.gov.uk

Tel: 01926 456113

Fax: 01926 456121

C.S.T.

- 9 DEC 2019

Licensing Act 2003 Representation Form

WARWICK



COUNCIL

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

"RONNIES J. WARWICK

Premises name and address:

JURY STREET, WARWICK

Application for a

Premises Licence..... ☒Club Premises Certificate..... ☐

Application to vary an existing

Premises Licence..... ☒Club Premises Certificate..... ☐

Application Number

WDC PREM 00947

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title Mr ☒ Mrs ☐ Miss ☐ Other

Surname RANTZEN

First name(s) MARTIN

Address (incl postcode):

8, EASTGATE HOUSE
CASTLE LANE
WARWICK
CV34 4BT

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

- ☒ Prevention of crime and disorder.
- ☒ Prevention of public nuisance.
- ☐ Protection of children from harm.
- ☒ Public safety

☐	I object to the application being granted at all
☒	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

The noise nuisance which will result from late night amplified music especially if this occurs out of doors.

I also object to any increase (or extension in time) in the number of drinks and other party-goers who inevitably carouse noisily along Jury Street and disturb residents of the many apartments which front on to this narrow, reverberative thoroughfare.

I cannot see any justification for extending drinking time beyond 10.30 p.m. on any night

Signed.....

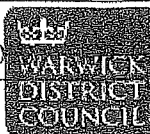
Date.....6/1 Dec 2019

C.S.T.

- 9 DEC 2019

Licensing Act 2003 Representation Form

WARWICK D



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):
Ronnie's of Warwick Limited

Premises name and address:
Ronnie's of Warwick
4-6 Jury Street
Warwick CV34 4EW

Application for a

Premises Licence..... ☒ X

Club Premises Certificate..... ☐ □

Application to vary an existing

Premises Licence..... ☒ X

Club Premises Certificate..... ☐ □

Application Number

WDCPREM00947

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title Mr ☒ Mrs ☐ Miss ☐ Other _____

Surname King

First name(s) Anthony

Address (incl postcode):
8 Marks Mews
Castle Lane
Warwick CV34 4BQ

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

☐ Prevention of crime and disorder.

☒ Prevention of public nuisance.

☐ Protection of children from harm.

☐ Public safety

☐
☒

I object to the application being granted at all

I object to the application being granted in its current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

I object to the length of hours for which entertainment can be provided. Even if the proposed events are planned to take place indoors there will still be an unacceptable level of noise emanating from the building, particularly if windows or doors are open, after 10:00pm. This is likely to cause nuisance to the many residents now in properties in Jury Street and Castle Lane. The previous owner of 4-6 Jury Street had live music performances which could be heard at least as far as Back Lane. I do not believe that the new owners will be able to keep the noise down to an acceptable level for nearby residents, which given their proposed opening hours will cause nuisance.

Signed.....
Date.....

NOTES

- Please complete all information or your objection may not be considered.

Licensing Act 2003 Representation Form	
Section 1 - Application Details	
I object to the following Application:	
Applicant's name (if known): Ronnie's Premises name and address: 6 Jury Street, Warwick, CV34 4EW	
Application for a <i>variations and extensions to licensing which is mainly entertainment</i>	Premises Licence..... ☐ Club Premises Certificate..... ☐
Application to vary an <i>existing time frame of entertainment</i>	Premises Licence..... ☐ Club Premises Certificate..... ☐
Application Number	WDCPREM00947

Section 2 - Objector details	
Individual Objectors Details:	
<i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr ☒ Mrs ☐ Miss ☐ Other _____
Surname	Farthing
First name(s)	Mark
Address (incl postcode): Castle Lane House, Castle Lane, Warwick, CV34 4BT	

Please note that a full copy of your objection (including your name and address) is required to be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

☐ Please tick here if you do not wish your objection to be made public and complete the box below

This is because

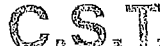
If you represent residents or businesses please complete the boxes below

Organisation name if applicable	
Please state nature of representation:	

Section - Objection Details	
My objection is relevant to the following licensing objective: <i>You can tick more than one box</i>	☐ Prevention of crime and disorder. ☒ Prevention of public nuisance. ☒ Protection of children from harm. ☒ Public safety

☐	I object to the application being granted at all
☒	I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:
You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected. Please attach supporting documents / further pages as necessary - Please number all extra pages I'm told that Ronnie's has applied for variations and extensions to their licensing which in particular is the entertainment license. The main concern is the time entertainment is being requested as I'm told this is until 23.00hrs Monday - Saturday and 21.00hrs on Sunday. This I'm told has also been applied for inside and outside and so the level of noise for those of us that live behind Ronnie's will be sadly witnessing Public Nuisance, Possible harm to children due to time and noise and risk to public safety due to stress, lack of sleep and so possible medical issues. Can we please consider the amount and timeframe of the loud noise that will be forced on those of us near the rear of Ronnie's and so maybe the entertainment Monday - Friday is only until 22.00 and 22.30 on Saturday and remain at 21.00 for Sunday and noise level is agreed which will not be high and so regularly inspected. Can there also be a consideration of no outside access/seating/standing being granted after 21.00 Monday - Saturday and all doors and windows closed after this time period so any noise does not affect those living locally but it does give Ronnie's a business inside. No outside entertainment would be very much appreciated as this will be extremely loud.
Signed.....  Date.....9th December 2019

 10 FEB 2009	
Licensing Act 2003 Representation Form	
Section 1 - Application Details	
I object to the following Application: Applicant's name (if known): Premises name and address: RONNIES of WARWICK JURY STREET, WARWICK	
Application for a	Premises Licence..... ☐ Club Premises Certificate..... ☐
Application to vary an existing	Premises Licence..... ☒ Club Premises Certificate..... ☐
Application Number	WDCPREM 00947

Section 2 - Objector details	
Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr ☒ Mrs ☐ Miss ☐ Other _____
Surname	HART
First name(s)	MALCOLM
Address (incl postcode): 1, CASTLE COURT, CASTLE LANE WARWICK CV34 4EB	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

☐ Prevention of crime and disorder.

☒ Prevention of public nuisance.

☐ Protection of children from harm.

☐ Public safety



I object to the application being granted at all
I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages

The area surrounding Rennie's/Catalan is largely residential and already suffers from considerable noise pollution from road traffic, Warwick Castle public address system (outside presentations), and - increasingly - aircraft on approach/take-off to and from BHX.

Catalan was, in the past, excessively noisy, especially with amplified music events in the open area at the rear of the property, and we suffered from this at our home.

I therefore feel very strongly that the request to allow high-volume entertainment such as live & recorded music, film shows and similar activities should not be permitted.

In particular, any such entertainment EXTERNALLY should be expressly forbidden.

Signed.....

Date... 5 Dec 2019

From: Rachael Russell
To: Tayyibah Daud
Subject: FW: Form completion: Complain about a licensed premise
Date: 18 December 2019 15:14:00

FORM DETAILS

Web Reference No: 595941
Form Title: Complain about a licensed premise
Date Started: 04/12/2019
Time Started: 22:09:01
Date Completed: 04/12/2019
Time Completed: : 22:11:27
Status: Pending

USER DETAILS

Site user email:

USER INPUTS

Question	Response
<i>Title:</i>	Mrs
<i>First Name:</i>	Valerie
<i>Last Name:</i>	Pike
<i>House Number Or Name:</i>	
<i>Street Name:</i>	
<i>Town:</i>	Warwick
<i>County:</i>	
<i>Postcode:</i>	
<i>Daytime Telephone Number:</i>	
<i>Mobile</i>	

Telephone
Number:



Email
Address:



I object to the granting of the entertainment licenses requested in their current format.

I am a close neighbour of the venue. The previous business "The Catalan" at this same venue held an entertainment license. I am not aware of its provision, and cannot find details of it on the WDC website. Over the last two years the number of live music events went from infrequent to on average once every other week.

The bands played not in the main buildings, which have a greater capacity for sound suppression and absorption, but in a seemingly non soundproof half glass extension at the rear of the premises. The level of noise, vibration and beat emanating from the heavily amplified bands meant that residential neighbours were being pounded by the noise all evening until the end of the licensed session. The layout of the very old buildings around the venue then and now means that the amplified sound is louder outside than it is inside. The noise is carried around the buildings and tunnelled along the back of Castle Lane and into the large courtyard of Neville Court, which is the old Territorial Army Headquarters and parade ground. Neville Court has been an entirely residential block for over 25 years.

I have stood in Jury Street outside the venue, and the level of noise experienced on that street, which is mainly restaurants and businesses, is far less intrusive than that experienced at the rear of the venue.

The previous holder of the license was appraised of the situation and asked to reduce the level of amplification after 10pm. He declined to do so, explaining that once set up in the early evening, adjustments were impracticable. He was therefore asked to ensure that the bands set the level of amplification lower from the outset, but he declined to consider this, so no judgement could be made as to whether this resolved the issue to acceptable neighbourly levels of noise.

*Please
enter
details of
your
complaint
being as
specific as
possible.:*

My property fronts Castle Lane, and backs onto the Neville Court, courtyard. The level of noise is such that the house is seeming too vibrate, and I am additionally unable to sit outside on my patio in the season. Even closing my modern double glazing windows does not prevent the reverberating from penetrating into every room that I use.

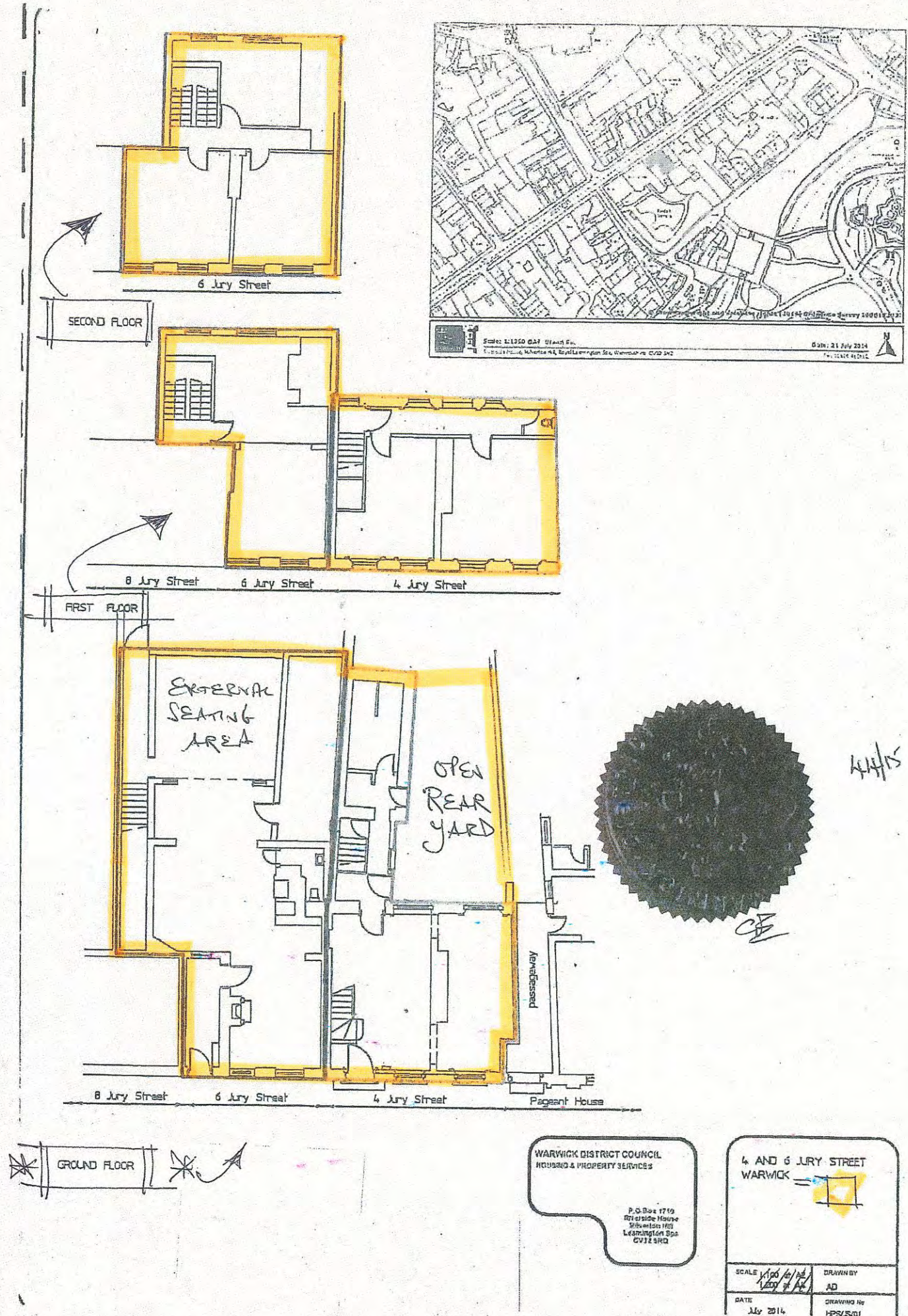
Over the last year of the previous license the dates of the gigs/bands were advertised outside the venue, and were not nightly or weekly. I therefore went away at week-ends when the bands were performing, as the vibrations over so many hours induced migraines and stress.

Against this background, I object to the frequency of the requests for the entertainment licenses, in particular the live and recorded music events. I am appreciative that businesses and residents share the neighbourhood, and do not object to the granting of a license for periodic events. I believe that 7 days a weeks is unfair on the neighbours and denies them any quiet enjoyment of their properties, which are already under the shadow of a much changed Warwick Castle with its emphasis on constant events in the evenings. I would suggest that a finish of 22:00 should be the norm, and that an agreed number, decided by WDC, of 23:00 finishes should be introduced, at least initially to gauge neighbour reactions.

I am also objecting to any of the licenses being granted for outdoors, simply because of the way the noise travels as described above in the rather quirky neighbourhood.

I make no objection to the requested hours of sale of alcohol, provided that this occurs indoors with no external consumption after 23:00.

I would be happy to withdraw my objections if the applications specifically exclude the use of microphones, loudspeakers and any form of amplification and are indoors only.



Appendix 17





STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2018 - 2021

IMPORTANT NOTE

In producing this Statement Of Licensing Policy the Licensing Authority is aware that the Government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future may not be incorporated into this policy document and readers of this document are advised to check the Home Office/Gov.uk website to ensure they have the latest information.

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STATEMENT OF LICENSING POLICY

1 INTRODUCTION

1.1 Warwick District Council ('the Council') has a duty under the terms of the Licensing Act 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 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 138,400 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.

1.4 This statement of licensing policy relates to all those licensing activities identified as falling within the provisions of the act, namely:

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an 'authorisation' means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context a Personal Licence.

1.5 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work with the Responsible Authorities, the South Warwickshire Community Safety Partnership, local businesses and local people to promote the common objectives as outlined. In addition the Licensing Authority recognises its duty under s.17 of the Crime and Disorder Act 1998 with regard to the prevention of crime and disorder.

- 1.6 This policy statement has been prepared in accordance with the provisions of the Act and the guidance issued under s.182 of the Act. The policy statement is valid until 5th January 2021. This policy statement will be subject to review and further consultation prior to any substantial changes.
- 1.7 A list of contact details for the Responsible Authorities authorised under the act is attached to this policy statement as Appendix 2.
- 1.8 The Licensing Authority has recognised Warwickshire County Council as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purposes of s.13 of the Act.
- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the guidance issued under s.182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

Public Health as a Responsible Authority

- 1.10 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health will be required to relate such representations and available data to the other licensing objectives. This may include underage drinking, prevention of accidents, injuries and other immediate harms that can result from alcohol consumption.
- 1.11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises. Anonymised data can be collated about incidents relating to specific premises and presented to Licensing Sub-Committees when representations are made.

2 CONSULTATION

- 2.1 Before publishing this policy statement the Licensing Authority has consulted and given proper consideration to the views of the following in line with the statutory guidance.
- The Responsible Authorities
 - Representatives of current licence and certificate holders
 - Representatives of local businesses
 - Representatives of local residents

3 FUNDAMENTAL RIGHTS

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.2 Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to Warwickshire Magistrates' Court against the decisions of the Licensing Authority.

4 LICENSING CONDITIONS

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. 'Premises' includes open spaces. Conditions attached to various authorisations will be focused on matters that are within the control of the individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other normal activities in the area concerned.
- 4.2 The Licensing Authority can impose conditions if it has received a relevant representation or if such conditions are consistent with the operating schedule.
- 4.3 When considering any conditions, the Licensing Authority acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the individual club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of general control and licensing law will always be part of a holistic approach to the management of the evening and night time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.
- 4.4 The Licensing Authority will not impose standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Licensing Authority will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of any representations received.
- 4.5 The Licensing Authority has produced a set of model conditions, which is aimed at assisting and supporting applicants through the application process. The model conditions would also assist the Licensing Authority and Responsible Authorities in deciding which conditions would be appropriate to add to a licence. The model conditions may be found at the end of this policy as Appendix 1.

5 OPERATING HOURS

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.
- 5.2 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol can assist to avoid concentrations of customers leaving premises simultaneously thereby reducing the friction at late night fast food outlets, taxi ranks and other forms of transport which can lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night time local economies which are important for investment and employment locally and in the main welcomed by residents and visitors to the District.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are relevant representations giving good reasons based on the licensing objectives for restricting those hours.

6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

- 6.1 The Licensing Authority, having not been presented with any evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order are appropriate for the Licensing Authority's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

7 CUMULATIVE IMPACT ASSESSMENT

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need' which concerns the commercial demand for another particular type of premises. The Government's guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.
- 7.2 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.

- 7.3 In line with government guidance the cumulative impact zone is being reviewed in relation to crime and disorder, anti-social behaviour and noise complaints linked to licensed premises within Leamington Spa. The Licensing Authority also considers activities which take place within the town centre which could have an impact on public safety and the protection of children from harm as part of the review. A plan of the current zone may be found at the end of this policy as Appendix 2.
- 7.4 It is considered that the cumulative impact of further new licences within 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.
- 7.5 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.
- 7.6 The Licensing Authority will not operate a quota of any description including the special policy that would predetermine 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.
- 7.7 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 that there will be no disproportionate impact on any of the licensing objectives. **The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.**
- 7.8 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.
- 7.9 In line with current guidance the policy will be subject to review every 3 years.

8 PROMOTION OF THE LICENSING OBJECTIVES

Prevention of Crime and Disorder

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment can sometimes be associated with elevated levels of crime and disorder.

- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses, where appropriate, to discuss issues of concern directly with individual businesses, or, to contact the Police or the Licensing Authority.
- 8.3 The Licensing Authority will, through its Community Safety Partnership devise and help deliver strategies to tackle the misuse of alcohol, which has been identified as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence/certificate holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage the sale/supply of alcohol to children and to individuals who are already drunk.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence/certificate holders and applicants are strongly recommended to work closely with the Police in particular, in bringing into effect appropriate control measures to overcome established and potential problems. A combination of short and longer term strategies may need to be deployed by holders of authorisations to sustain and promote the prevention of crime and disorder.
- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practice in whatever area of operations they are engaged. The Licensing Authority will regard each responsible authority as the expert in their respective field and in some cases as the primary source of advice in relation to a particular licensing objective.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Licensing Authority has specific duties under s.17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Licensing Authority will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within the District are encouraged to be members of the relevant local Pubwatch Scheme, or any similar scheme, where one exists.
- 8.9 The Licensing Authority and Police have a zero tolerance of drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.

- 8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Licensing Authority will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the District.
- 8.11 In relation to premises seeking or holding a premises licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that (a) any Designated Premises Supervisor (DPS) will have been given sufficient management authority and be able to exercise effective day-to-day control of the premises and (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing. This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promotes the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement action becomes necessary.

Promotion of Public Safety

- 8.12 Public safety is not defined within the act, but the Government guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.13 Applicants and event organisers will be expected to assess not only the physical environment of the premises or site but also operational practices, in order to protect the safety of members of the public visiting the premises or site, those who are employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.
- 8.14 Holders of premises licences and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a Responsible Authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

Prevention of Public Nuisance

- 8.17 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. If the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.
- 8.18 The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 8.19 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should seek to pre-empt potential nuisance, especially if complaints have previously arisen at the same venue.
- 8.20 The Licensing Authority expects holders of authorisations to use their risk assessment and operating schedules to review and, if need be, to make necessary improvements to the premises or to operational practices, in order to prevent public or statutory nuisance.
- 8.21 Where the provisions of existing legislation prove inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder or designated premises supervisor.
- 8.22 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.

Protection of Children from Harm

- 8.23 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that holders of authorisations, including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times.

- 8.24 The Act prohibits children under the age of 16 years old and unaccompanied by an adult, to be present in licensed premises (including premises operating under a TEN) being used primarily or exclusively for consumption of alcohol.
- 8.25 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, as the Act does not prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures, should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises, but cannot impose conditions requiring the admission of children to any premises.

The Licensing Authority will judge the merits of each application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.26 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised Age Verification Scheme. The Licensing Authority supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed. The Licensing Authority recommends that the premise licence holder operates a method for recording when a sale is refused as part of any age challenge scheme (also known as a refusals book).
- 8.27 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.
- 8.28 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 8.29 The Licensing Authority regards Warwickshire County Council as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from the County Council to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. It is also reasonable for the licensing authority to expect the responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concerned about crime and disorder or the sexual exploitation of children.
- 8.30 The Licensing Authority will consider the need to protect children from sexual exploitation when undertaking licensing functions.

- 8.31 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. In exceptional cases e.g. where the BBFC has not classified a film then the Licensing Authority may specify viewing restrictions which an authorisation holder will be expected to comply with.
- 8.32 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi- purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.33 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects authorisation holders including those organising temporary events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.
- 8.34 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Licensing Authority may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

9 MANDATORY LICENSING CONDITIONS

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way certain licensable activities are conducted. The conditions apply to all appropriate premises.

10 OTHER CONSIDERATIONS

Relationship with Planning

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Council's Licensing and Regulatory Committee and Sub – Committees are not bound by decisions made by the Council's Planning Committee and vice versa.
- 10.2 The grant of any application or variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 10.3 There are also circumstances when as a condition of planning permission; operating hours are set for the use of the premises for commercial purposes. Where these hours are shorter than the licensing hours, the applicant must observe the planning

restrictions. Premises operating in breach of their planning consent would be liable to enforcement action under planning law.

- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a Responsible Authority, where such representations relate to one or more of the licensing objectives.

Applications

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to address how they intend to promote the licensing objectives.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions will only be imposed following a hearing or in order to promote the licensing objectives and will only relate to matters within the control of the applicant. Licence conditions will not normally be imposed where other regulatory provisions are in force (e.g. planning, health and safety at work, fire safety and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not impose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering applications, the Licensing Authority will primarily focus on the direct impact of activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Deregulated Public Entertainment

- 10.11 As a result of the Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 most public entertainment taking place between 08:00 and 23:00 hrs has, subject to certain conditions, been deregulated and removed from the scope of Licensing Authority control. No authorisation is required where public

entertainment is being provided under these statutory exemptions. However, if exempt public entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing and Regulatory Sub-Committee determines that it is appropriate for such controls to be re-introduced.

Public Spaces Protection Order

- 10.12 The Designated Public Place Order (DPPO) has been replaced by the Public Spaces Protection Order (PSPO) in the Anti-social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Where a local authority occupies or manages premises, or where premises are managed on its behalf, and it licenses that place for alcohol sales, the PSPO will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be subject to the PSPO at all other times. This allows local authorities to promote community events while still using a PSPO to tackle the problems of anti-social drinking.

11 BEST PRACTICE SCHEMES

- 11.1 The Licensing Authority supports best practice schemes for licensed premises. Premises in an area covered by a scheme are encouraged to become members of the scheme.

12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION

- 12.1 By consulting widely prior to this policy statement, the Licensing Authority has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism as part of an integrated strategy for the Licensing Authority, Police and other agencies. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.
- 12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Regulatory Committee can request reports, where it thinks it is appropriate on the following areas:-
- The needs of the local tourist economy, to ensure that these are reflected in their considerations;
 - The employment situation and the need for new investment and employment where appropriate; and
 - The general impact of alcohol related crime and disorder.

- The general impact of alcohol related harms to health.

Crime Prevention Strategies

- 12.3 Crime prevention and drug and alcohol misuse policies and the input of the South Warwickshire Community Safety Partnership (SWCSP) will be reflected in licence conditions as far as possible.
- 12.4 The SWCSP is committed to making South Warwickshire a safe place in which to live work and visit. It is the role of the SWCSP to strategically plan, commission and oversee services that tackle crime and disorder and address drug and alcohol misuse.

Duplication

- 12.5 When considering any application the Licensing Authority will avoid duplication with other regulatory regimes as far as possible. Therefore the Licensing Authority will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

Promotion of Equality

- 12.5 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

13 ENFORCEMENT

- 13.1 The Licensing Authority has an established working relationship with the Police and other responsible authorities on enforcement issues through the Multi Agency Licensing Enforcement Meeting. This provides a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 This enforcement regime follows the Government's Regulators' Code in that it follows the basic principles of openness, helpfulness, proportionality and consistency. The Licensing Authority has a separate enforcement policy in respect of licensing.

- 13.3 Licensed premises are visited by the Responsible Authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence or certificate is being complied with, to check compliance with other legislation and/or deal with complaints that have been received.
- 13.4 On some occasions a multi-agency group (representing a number of Responsible Authorities) will visit premises. The officers will check the premises/activities relevant to their particular role.
- 13.5 There are several enforcement options that will be used as appropriate and in line with the Licensing Authority's licensing enforcement policy. These options include:
- Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
 - Written warning – this is a step-up from verbal advice and holders of authorisations are given a letter recording the warning given and containing the details of any necessary remedial action.
 - Action planning – this plan will be written down and given to the holder of the authorisation and designated premises supervisor. It explains what actions are required, within a timescale, for compliance with the licensing objectives, specific legislation or conditions. It will be regularly reviewed and if compliance has been achieved it will be terminated. If areas of non-compliance remain a more formal enforcement option further up the scale may be selected in order to achieve compliance.
 - Review – any person may call for a review of a licensed premises where there is evidence that the licensing objectives are not being promoted. The holder of the authorisation will have to attend a review hearing in front of the Licensing Sub Committee who may decide, based on the evidence submitted to them, to take no action, to remove the DPS, to revoke, suspend, or amend the licence or apply additional conditions.
 - Prosecution – Under the Licensing Act 2003 certain offences can be prosecuted by the Licensing Authority/Director Of public Prosecutions/Weights and Measures Authority (Trading Standards). In addition, Responsible Authorities have a wide range of powers to institute prosecution under other specific legislation.
 - Closure – several of the Responsible Authorities have the power to close licensed premises if they deem it necessary. The Licensing Authority also has powers to request closure through the Magistrates court for continuing unauthorised alcohol sales.

14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Licensing and Regulatory Committee

14.1 The majority of powers given to the Licensing Authority by the Act have been delegated by the Council to the Licensing and Regulatory Committee and Officers. The Licensing and Regulatory Committee has in turn established Sub-Committees to determine some matters under the Act.

14.2 The Council's Constitution defines those responsibilities and is available for inspection on the Council's website, but a summary of responsibility is set out in Table 1 below.

14.3 Table 1:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

14.4 However Council has retained the power to set the Council's Licensing Policy Statement, but it will seek the views of the Licensing & regulatory Committee before determining any amendments.

Application forms And Process

- 14.5 All application forms will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 14.6 Applicants are encouraged to fully consult the police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 14.7 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid.
- 14.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

15 COMMENTS ON THIS POLICY

- 15.1 The statement of licensing policy will be reviewed on a regular basis. Individuals and organisations that wish to comment on the policy are invited to send their comments in writing to:

Warwick District Council, Licensing Team, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

Email: licensing@warwickdc.gov.uk

APPENDIX 1 – Set of Model Conditions

Warwick District Council has produced this document to assist and support applicants and existing licence holders through the application process. It has also been designed for the consideration of responsible authorities and the Council's Licensing and Regulatory Committee.

When deciding to grant or vary a premises licence under the Licensing Act 2003, the licensing authority may do so subject to conditions which it considers are appropriate for the promotion of one or more of the licensing objectives.

Those applying for a premises licence, club certificate, variation of a premises licence or variation of a club certificate may also wish to consider those conditions which would promote the licensing objectives when completing the operating schedule.

In determining what conditions are appropriate, it will be necessary to consider the individual circumstances of the premises, including:-

- The nature and style of the venue,
- The activities being conducted there,
- The location, and,
- Anticipated clientele

Guidance for operating schedule

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

Licensing authorities should be satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Conditions should be tailored to the particular circumstance of an individual licensed premises and determined on a case-by-case basis.

Under no circumstances should licensing authorities regard pools of conditions as standard conditions to be automatically imposed in all cases.

Prevention of Crime and Disorder

1. There shall be no sales of alcohol for consumption off the premises after (time).
2. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
3. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
4. No beer, lager, cider, ale or spirit mixers with an alcohol by volume content above (insert percentage) will be sold or offered for sale.
5. Each self-serve pump must be covered, in full, by the CCTV system.
6. Only craft beer or ale is permitted to be dispensed from the self-service pumps and will only be available in measures of (measure).
7. Only wine is permitted to be dispensed from the self-service wine dispenser and will only be available in a maximum measure of (measure).
8. When a self-service dispenser is in use a notification system must be in place to alert a member of bar staff.
9. Regular meetings will take place between the Designated Premises Supervisor, Warwickshire Police and Licensing authority. The meetings will take place every (number) months.
10. All door supervisors, and other persons engaged at the premises, for the purpose of supervising or controlling queues or customers, must wear (high visibility jackets or vests or armbands).
11. Door supervision must be provided on (specify days). Door supervisors must be on duty from (insert hours) and must remain on duty until the premises are closed and all the customers have left.
12. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
13. On/at (specify days/hours) at least (insert number) of SIA registered door supervisors must be on duty at the premises (may specify location at the premises or as shown on the plan).
14. 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. That register shall be available for inspection on reasonable request Authorised Officer of the Council, the Security Industry Authority or a Police Constable and shall contain the following details:-
 - the door supervisor's name, date of birth and home address;
 - his / her Security Industry Authority licence number;
 - the time and date he / she starts and finishes duty;
 - each entry shall be signed by the door supervisor.

15. Any door staff register shall be available for inspection on demand by an Authorized Officer of the Council, the Security Industry Authority or a Police Constable and will be retained on the premises for a period of 12 months from the date of the last entry.
16. The Premises Licence holder / Designated Premises Supervisor will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The Premises Licence holder / Designated Premises Supervisor will ensure that staff receive training on the policy.
17. CCTV to be installed and the premises licence holder must ensure that :-
 - a. CCTV cameras are located within the premises to cover all public areas.
 - b. The system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of 12 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 for licensable activities'. 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. Downloads will be provided to the Police upon reasonable request in line with the DPA.
 - g. Signed off by Warwickshire Police Architectural Liaison officer
18. The Premises Licence holder / Designated Premises Supervisor is to provide the Police with the contact details of at least two members of staff (or other person(s)) who are trained and familiar with the operation of the equipment so that, at the expense of the Premises Licence holder, they are able to check that the equipment is operating properly and that they are able to provide copies of recorded data upon request and within no more than 12 hours from the time of the request.
19. The Premises Licence holder / Designated Premises Supervisor must notify the Licensing Office or the Police in the event of CCTV breakdown or malfunction as soon as is reasonably practicable and in any event within 24hrs.
20. No open vessels to leave the premises at any time.
21. No open vessels to be taken outside the curtilage of the premises at any time.
22. Empty bottles must be placed into locked bins so as to prevent them from being used as weapons.
23. Only plastic glasses / plastic bottles / toughened glass to be used in the outside areas of the premises.
24. Plastic or toughened polycarbonate (or similar) glasses / bottles will be used when requested by Warwickshire Police.
25. Drinks must only be served in polycarbonate/plastic containers.
26. No customers carrying glassware shall be admitted to the premises at any time that the premises are open to the public.
27. SIA door staff will be required to remove all alcohol from customers who are queuing to

enter the premise or entry to be refused. This alcohol must then be disposed of immediately in a bin provided at the premises.

28. A Personal Licence holder must be on the premises at all times when open to the public.
29. A Personal Licence holder must be on the premises on (state days) (time) between (time) hours and close of business.
30. The designated premises supervisor will ensure that he/she gives written authorisation to individuals whom they are authorising to sell alcohol in their absence. This should be maintained and made available for viewing by Authorised Officers.
31. Details of the names, addresses and up-to-date contact details for the Designated Premises Supervisor and all Personal Licence holders shall be maintained and kept on the premises.
32. Premises will participate in any Police or responsible authority awareness campaign or training that is relevant to the sale of alcohol, use of drugs or entertainment.
33. The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.
34. A suitable receptacle for the safe retention of illegal substances will be provided and arrangements made for the safe disposal of its contents as agreed with Warwickshire Police.
35. There shall be displayed on the premises, information regarding drugs awareness. / Zero tolerance policy.
36. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
37. The premises will be a member of the locally approved radio scheme and abide by its policies and procedures.
38. The premises is to maintain an incident book to record details of the following:-
 - Any violence or disorder on or immediately outside the premises,
 - Any incident involving controlled drugs (supply / possession or influence on the premises,
 - Any other crime or criminal activity on the premises,
 - Any call for police assistance to the premises,
 - Any ejection from the premises,
 - Any first aid/other care given to a customer.
39. An incident book to made available for inspection by a responsible authority on reasonable request.
40. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the Ambulance Service) are called without delay;
 - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
41. Any staff employed at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include (delete where applicable) ;-
- Drunk awareness
 - Drugs awareness
 - Age verification training
 - Conflict management training
 - First aid
42. A written record will be kept of all training carried out. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
43. No entry / re-entry 1 hour before permitted hours.
44. No entry / re-entry after (time) (days).
45. Any queue (in a designated queuing area) to enter the premises must be supervised at all times by door supervisors.
46. Any (designated) queuing area must be within suitable barriers.
47. Any outside areas to be demarked by physical barriers or similar with clear signs displayed to instruct patrons that vessels must not be taken outside said area.
48. The premises must only operate as a restaurant:
- in which customers are seated at a table
 - which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery
 - which do not provide any take away service of food or drink for immediate consumption, and
 - where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals
49. The supply of alcohol to customers must be by waiter or waitress service only.
50. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.

Prevention of Public Nuisance

1. Prominent, clear and legible notices must be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
2. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents. A written record shall be made of these assessments in a log book. This record must be kept on the premises and made available for inspection by a responsible authority on reasonable request.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided, except for access and egress and in the event of an emergency.
4. The beer garden / outside area is not to be used/occupied after (x) hours daily.
5. There will be no external loud speakers.
6. The Premises Licence holder / Designated Premises Supervisor will adopt a "cooling down" period where music volume is reduced (insert minutes) before the closing time of the premises.
7. At an appropriate time before closing time, announcements shall be made reminding customers to leave quietly.
8. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
9. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods.
10. The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
11. Outside areas and activity must cease and be cleared at (time).
12. The beer garden / outside area(s) is not to be used/occupied after (time) hours daily.
13. With the exception of smokers, the outside area shall not be used by customers after (time).
14. Drinks shall not be permitted to be consumed in the outside area after (time).
15. In relation to the (specified function room) there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending a pre-booked function.

16. Licensable activities at events in the (specified function room) shall only be provided at pre-booked ticketed events.
17. Customers shall not enter or leave the premises from / by (insert specific entrances or exits), except in the event of an emergency.
18. The licence holder (or his/her nominees) shall ensure that exits are manned at closing time to ensure that patrons leave the area quickly and as quietly as possible.
19. The licence holder (or his/her nominees) shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
20. There shall be no admittance or re-admittance to the premises after (time) except for patrons permitted to temporarily leave the premises to smoke.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (number) persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (specify location).
24. Clear and legible 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.
25. All outside tables and chairs shall be prohibited from use after (time) each day.
26. All tables and chairs shall be removed from the outside area by (time) each day.
27. No external seating shall be provided at the premises.
28. All external doors and windows shall be kept closed after (time) hours, or at any time when regulated entertainment is being provided, except for the immediate access and egress of persons or in the event of an emergency.
29. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.
30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
31. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the local authority's Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the

Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment for the purposes of providing regulated entertainment shall be used on the premises without being routed through the sound limiter device.

33. A sound limiting device shall be fitted to any musical amplification system and 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 agreement with the Environmental Health Service.
34. No regulated entertainment shall take place in the outdoor areas at any time.
35. The provision of live music shall be limited to no more than two performers.
36. All outdoor entertainment shall be unamplified.
37. Suitable means of ventilation shall be provided and maintained at the premises to enable doors and windows to be closed whilst regulated entertainment is being provided.
38. Where the premises provide food to the public for consumption off the premises, there shall be provided at or near the exits, (insert number) waste bins to enable the disposal of waste food, food containers, wrappings etc.
39. The Premises Licence holder (or his/her nominees) will ensure that litter arising from people using the premises is cleared away daily and that promotional materials such as flyers do not create litter.
40. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (time) hours and (time) hours on the following day.
41. During the hours of operation of the premises, the licence holder (or his/her nominees) shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
42. No collections of waste or recycling materials (including bottles) from the premises shall take place between (time) and (time) on the following day.
43. No deliveries to the premises shall take place between (time) and (time) on the following day.

Public Safety

1. A designated room, space or location to be provided within the premises to create a safe environment which is monitored by a trained and DBS checked member of staff or volunteer.
2. All doors/gates through which persons may have to pass whilst making their way from the premises shall be readily and easily openable from within without the use of a key, code, card etc.
3. Once a licence has been granted a Fire Risk Assessment is to be kept on the premises and be available for inspection by an authorised officer.
4. The premises should be provided with a means for raising the alarm in the event of fire.
5. Staff should be aware of the siting of extinguishers, of their correct method of operation and know which equipment is appropriate for a particular fire. The equipment should be so placed as to be readily available for use. At least one appliance should be placed at or near to the exit from a floor and, where extinguishers are provided for special risks, as far as practical be sited close to the risk for immediate use.
6. There shall be maintained on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
7. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present on the premises. Where more than one such person is present, their duties shall be clearly defined.
8. The premises licence holder shall develop and operate a procedure for dealing with unwell members of the public including those who appear to be affected by alcohol and drugs. Staff will be appropriately trained in such procedures.
9. The maximum number of persons allowed in the premises shall be (insert numbers, areas and occasions).
10. A person who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if required to do so, give that information to an authorised person.
11. At all times door supervisors on duty, numbers or persons inside the venue shall be recorded by way of a clicker system or similar, and shall if required to do so, give that information to an authorised person.
12. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
13. The Premises Licence holder / Designated Premises Supervision must develop and operate a policy which ensures the safe evacuation of disabled people in the event of an emergency. All staff shall be made aware of these arrangements.
14. Staff or attendants shall be readily identifiable to members of the public.

Protection of Children from Harm

1. Signage to be displayed around the premises in prominent places informing both staff and customers of the 'Challenge 25' policy.
2. A notice(s) shall be displayed in and at the entrance to the premises where they can be clearly seen, indicating that there is a "Challenge 25" policy in place at the premises.
3. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
4. All deliveries of alcohol must be made by a person over the age of 18 years.
5. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
6. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
7. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
8. Under 18's events will not take place without prior consultation with the Police and Licensing Authority.
9. Under 18's events will not take place at the premises.
10. No persons under the age of 18 years will be allowed on the premises after (time) unless accompanied by a responsible adult of 18 years or above and with the express permission and knowledge of the DPS or someone acting under their authority.
11. The premises will operate a "Challenge 25" proof of age policy.
12. The premises is to maintain a refusals book/record to record the details of incidents where a member of staff has refused to sell alcohol to a person suspected of being under the age of 18. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the book make a record of these checks. The book must be made available to a Police Constable/Authorised Officers of the Licensing Authority on request.
13. Any person who is authorised to sell alcohol at the premises will be provided with training on first appointment and on a regular basis thereafter. Training will include information on how to prevent underage sales and any other relevant matters. A written record will be kept of all training provided and this record will be kept on the premises for inspection by any Responsible Authority.
14. No persons under the age of 18 years to operate the self-serve pumps at any time.

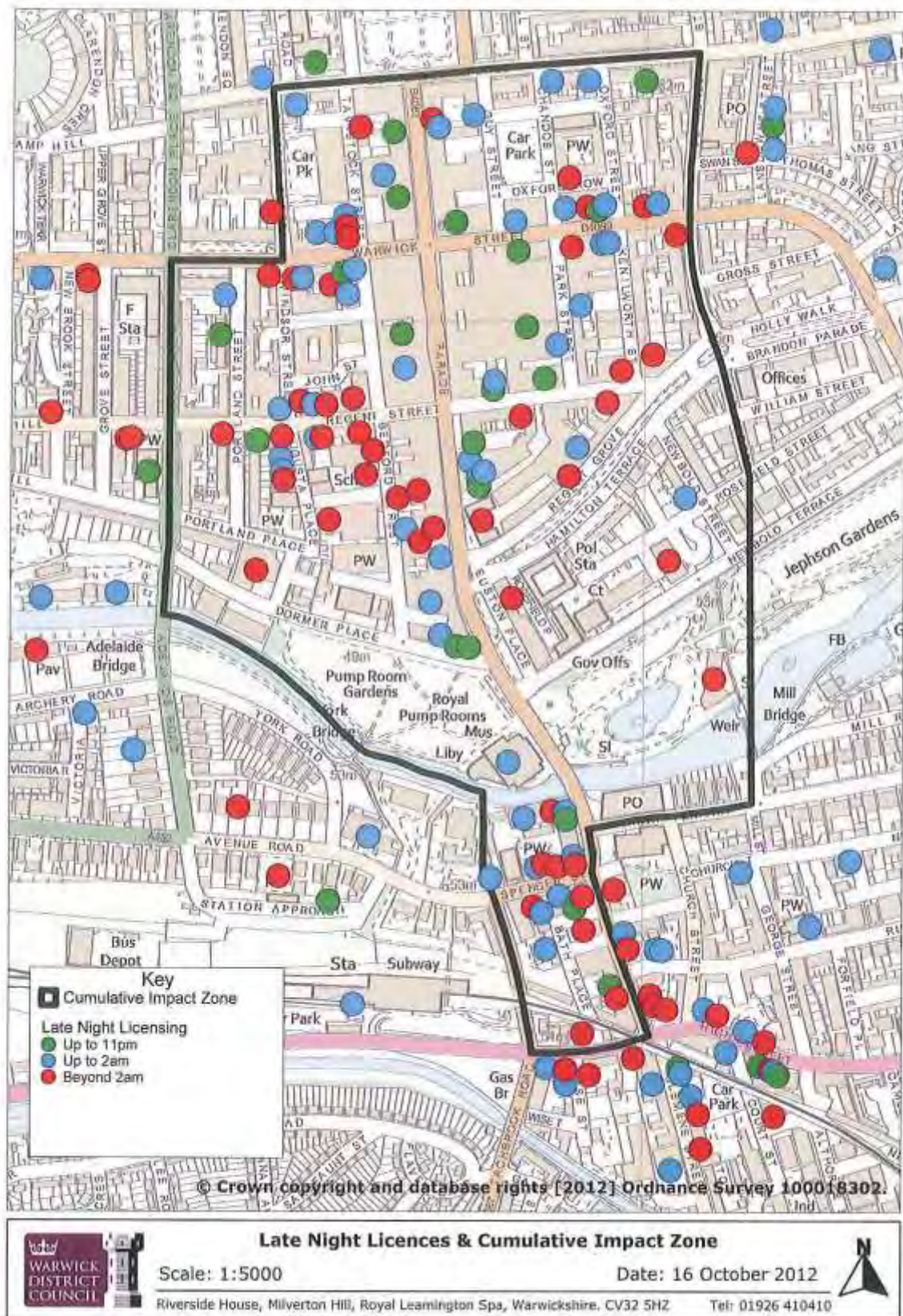
The above are generic conditions that applicants may wish to include within their application to speed up any discussions with the relevant responsible authorities. The use of these conditions does not guarantee the granting of a premises licence. Each application will be assessed on its own merits and in the context of its location and potential to impact on the licensing objectives. Additional conditions, or amendments to these model conditions, may be necessary in order to uphold the four licensing objectives. These model conditions are

not exhaustive and do not prevent you from volunteering any alternative measures that you believe are more appropriate for your particular premises.

Applicants will also need to consider whether their premises falls with any designated cumulative impact zones (CIZ) as higher standards will be applied.

For premises licences relating to outdoor music events, festivals, etc. applicants are encouraged to read the guidance provided by Warwick District Council's Safety Advisory Group (SAG) for information on planning their events. This can be found at: www.warwickdc.gov.uk/safetyadvisorygroup

APPENDIX 2 – Cumulative Impact Zone



APPENDIX 3 - 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 484226
Email: southwarksliquorlicensing@warwickshire.pnn.police.uk

FIRE AUTHORITY: County Fire Officer
Warwickshire Fire & Rescue Service
Warwick Street
Leamington Spa
CV32 5LH

Tel: 01926 423231
Email: firesafety@warwickshire.gov.uk

ENFORCEMENT AGENCIES 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

Health and Safety Executive – Birmingham Office

19 Ridgeway
9 Quinton Business Park
Quinton
Birmingham
B32 1AL

AUTHORITY RESPONSIBLE FOR ENVIRONMENTAL HEALTH:

Safer Communities 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:

Licensing Team
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456705

Email: Licensing@warwickdc.gov.uk

AUTHORITY RESPONSIBLE FOR PLANNING:

Manager, Development Services
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:

Strategic Commissioning People Group
Building 2, Saltisford Office Park
Ansell Way
Warwick
CV34 4UL

Tel: 01926 410410

E-mail: licenseapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL (WEIGHTS & MEASURES):

Divisional Trading Standards Officer
Warwickshire Trading Standards
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414040

Email: tradingstandards@warwickshire.gov.uk

NATIONAL HEALTH SERVICE/PUBLIC HEALTH:

Public Health Department (Licensing)
NHS Warwickshire/Warwickshire County Council
PO Box 43 – Shire Hall
Warwick
CV34 4SX

Email: phadmin@warwickshire.gov.uk