

 <b>Licensing Panel</b> <b>23<sup>rd</sup> June 2011</b>		<b>Agenda Item No.</b>
<b>Title</b>	Application for a review of the premises licence issued under the Licensing Act 2003 for the Bunch of Grapes, 34 Vine Lane, Warwick.	
<b>For further information about this report please contact</b>	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. <a href="mailto:david.davies@warwickdc.gov.uk">david.davies@warwickdc.gov.uk</a>	
<b>Service Area</b>	Community Protection	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

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

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	27/04/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	27/04/2011	Councillor Kirton
<b>Consultation Undertaken</b>		
N/A		
<b>Final Decision?</b>		Yes

1. **SUMMARY**

- 1.1 Under the provisions of the Licensing Act 2003 a Responsible Authority may apply for a review of a premises licence if they feel that one or more of the licensing objectives are being undermined.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider all the relevant information contained in this report and consider the evidence provided by Warwick District Council's Environmental Health Officer in their request for a review of a premises licence.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the provisions of the Licensing Act 2003 a premises that sells alcohol and provides regulated entertainment requires a premises licence.
- 3.2 Punch Taverns applied to convert the existing Justice's Licences for the Bunch of Grapes in May 2005. Only the police could object to this conversion on the grounds of crime and disorder. No such objection was received. At the same time, the premises applied to vary the Justice's Licence. Representations were received and, after a hearing before a Licensing Panel on the 24<sup>th</sup> June 2005, a premises Licence was granted. The grant was appealed to the magistrates Court.
- 3.3 The premises licence was transferred in November 2005 to Admiral Taverns (Cygnet) Ltd and the appeal to the magistrates Court was subsequently dropped by them.
- 3.4 A variation to the premises licence was sought and granted in December 2005. This remains the current licence in force.
- 3.5 The current Designated Premises Supervisor (DPS), Sarah Watts, has been at the premises since November 2008
- 3.6 The current premises licence permits:

**Sale of Alcohol for Consumption On and Off the Premises**

*Monday to Thursday from 11:00 to 23:00*

*Friday and Saturday from 11:00 to 00:00*

*Sunday from 11:00 to 23:00*

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

**Live Music limited to two performers; Recorded Music; Provision of facilities for dancing and music; Other activities of a similar description to that of making music and dancing(All Indoors only)**

*Everyday from 11:00 to 23:00 (Karaoke limited to once per week)*

## **The opening hours of the premises**

*Monday to Thursday from 11:00 to 23:30*

*Friday and Saturday from 11:00 to 00:30*

*Sunday from 11:00 to 23:30*

3.7 The conditions attached to the premises licence are:

1. An occupancy limit of 60 due to the limited exit routes/doors.
2. The outside of the premises to be clear of people by 23:00 and doors and windows kept shut after that time.

3.8 In addition to the above conditions, an operating schedule is attached to the premise licence which states:

### *General*

Following an assessment of the premises and its surrounding area, the following is proposed:-

Thirty minute drinking up time will allow appropriate dispersal, use of lavatories etc. In order to further the licensing objectives the licensee reserves the right to move the fire appliances, amusement with prizes machines, cigarette machines and any other similar objects, temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment. We have signage asking for quiet departure, managed departure with staff.

### *Prevention of Crime and Disorder*

The pub has illuminated car park and most customers are local, so tend to respect the area and its residents.

### *Public Safety*

We have emergency light, fire equipment, fire alarm, illuminated signage, smoking charter.

### *The Prevention of Public Nuisance*

We are a detached premises with quality glazing where the pub faces residential housing, lockable windows and the next public house is some distance, we will also stop the playing of all music at last orders so drinking up time will be without music. Regulated entertainment will cease by 23:00 (excluding background music)

Regulated entertainment in the form of a disco or karaoke is limited to being operated once a week

All doors and windows will be kept closed when regulated entertainment is taking place.

A noise limiter will be fitted to the sound system for the premises with a cut off level agreed with the Local Authority) and maintained in effective order.

Management will always have control of the sound system

Volume levels will be kept to levels such that music, whether amplified or not, and amplified voice is not audible at the front elevation of any residential premises in the vicinity of the Bunch of Grapes.

## *The Protection of Children from Harm*

### No unattended children allowed

- 3.9 Mr Peter Lawson, acting for Warwick District Council, Environmental Health, who are a Responsible Authority under the Licensing Act 2003, submitted a review application of the Bunch of Grapes premises licence on the 7<sup>th</sup> April 2011. The review application is based on the prevention of public nuisance licensing objective and is shown, together with a chronological list of events, as Appendix 1. He has also added two statements for a fellow EHO shown as appendix 1(A)
- 3.10 The Licensing Act 2003, Section 52 (4) outlines the steps that may be taken by the Licensing Authority as it considers necessary for the promotion of the licensing objectives. These are:
- Modify the conditions of the licence
  - Exclude a licensable activity from the scope of the licence
  - Remove the DPS
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence
- 3.11 A plan showing the location of the premises is attached as Appendix 2 and a plan of the premises as Appendix 3.
- 3.12 When considering the application the panel must give appropriate weight to:-
- a) The review application received.
  - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
  - c) The Council's Licensing Policy Statement (Appendix 4).
  - d) The Licensing Objective, which, in this case is:-  
  
The Prevention of Public Nuisance.
- 3.13 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and review applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.
- 3.14 Details of the procedure adopted by the Licensing Committee for Panel Hearings has been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

## 4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

## 5. **BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

6.1 None

7. **BACKGROUND**

7.1 None.