		<b>Licensing Panel</b> <b>14 November 2013</b>	<b>Agenda Item No.</b>
<b>Title</b>		Application for the grant of a premises licence under the Licensing Act 2003 for Altoria, 45 Warwick Street, Leamington Spa	
<b>For further information about this report please contact</b>		Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>		None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>		No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		N/A	
<b>Background Papers</b>		None	

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

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	31.10.2013	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	1.11.2013	Michael Coker
<b>Consultation &amp; Community Engagement</b>		
N/A		
<b>Final Decision?</b>		Yes
<b>Suggested next steps - None</b>		

## 1. SUMMARY

- 1.1 Warwick District Council Licensing Authority has received a valid application for a new premises licence from Warneford Bars Limited for Altoria, 45 Warwick Street, Leamington Spa.
- 1.2 Representations have been received in relation to this application for the consideration of the panel in the determination of this application.

## 2. RECOMMENDATION

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for the grant of a premises licence for Altoria, 45 Warwick Street, Leamington Spa, should be approved and if so, whether it should be subject to any conditions.

## 3. REASONS FOR THE RECOMMENDATION

- 3.1 Warneford Bars Limited have applied for a premises licence for 45 Warwick Street, Leamington Spa. The table attached as appendix 1 shows the licensable activities that have been applied for.
- 3.2 An operating schedule which has been submitted by the applicant will form part of any licence issued has been supplied as follows:

### *General*

- Door supervisors to be employed every Friday and Saturday night and to start no later than 21:00 hours.
- Door supervisors to be employed on the Sundays preceding Bank Holiday Mondays, Christmas Eve and Boxing Day when open past 01:30 hours and to start no later than 21:00 hours.
- Door supervisors must be employed within the 'night club' area of the 1st floor, as per submitted plans, on every occasion the section is open to the public by payment or otherwise after 21:00 hours.
- The DPS must make regular professional risk assessments on number of door supervisors required to ensure sufficient control of whole of venue is maintained.
- The DPS must make regular professional risk assessments on when to employ door supervisors at any other time than stipulated in the licence.
- Door staff must wear their SIA badges in Hi-Visibility arm bands in clear sleeved pockets so that they can be clearly identified by customers and CCTV.
- The premises must retain 'Profiles' for all door staff that are currently working at the premises and those that have worked at the premises for the previous 3 months. 'Profiles' will consist of proof of identity (Passport/Driving licence/SIA badge) and proof of address dated in the last 6 months (utility bill/bank statement /mobile phone bill). Profiles are to be made available for inspection immediately on request by an authorised officer.
- Door staff must sign on and off duty every night they work.
- CCTV must be installed and operating at all times the premises is open for licensable activity.  
Cameras must cover all public areas and include entrances and stairwells and must include head and facial recognition coverage. The images must be digitally recorded and retained for a minimum of 31 days. At least one member of staff must be on duty at all times when licensable activity takes

place who can operate, access and download the images on request of an authorised officer. The images must be recorded in real time to a minimum of 12 frames per second. The system to be inspected and signed off by Warwickshire Police

Architectural Liaison Officer.

- The premises must remain an active membership of locally police approved Pubwatch scheme (if in existence) and radio scheme. It must conform to the Pubwatch policy and procedures and DPS or manager must attend pre-arranged meetings.
- All staff training records mentioned in the operating schedule or conditions must be maintained and kept on the premises, and be available for inspection on request by an authorised officer.

#### *Public safety*

- First aid training for designated members of staff must be carried out, and a professional health and safety risk assessment carried out regularly. A professional risk assessment must be carried out weekly and staff trained in the event of an emergency.
- The DPS must make ongoing professional risk assessments as to whether to replace glassware with polycarbonate glasses and bottles in the premises as a whole or any particular area of the venue and for any particular event.
- The capacity for the premises as per the fire risk assessment must be displayed in a prominent position near the front of the premises.
- A sufficient number of staff must be on duty to ensure empty glasses and bottles are cleared quickly and efficiently.

#### *The prevention of public nuisance*

- Condition (a) to (c) referring to outdoor drinking on the street must only be in the cordoned off table area and is subject, in all cases, to a table licence being applied for, granted and in place and:
  - (a) must cease by 20:00 and all of the tables and chairs must be removed completely from the street by this time
  - (b) No open vessels must be removed from the premises at any time save for (a) above.
  - (c) The DPS or designated manager must make ongoing risk assessments depending on events at the premises or in locality as to whether to remove the tables and chairs in the outside area earlier than 20:00
- All windows and doors must be kept closed after 23:00 hours, save for egress or entry.
- The premises must be monitored regularly inside and out and results must be recorded in a noise monitoring log. All staff and door staff must be trained to request the quiet departure of customers.
- Ventilation must be maintained to prevent nuisance of odor and noise to the satisfaction of Environmental Health.
- Noise limiters must be fitted and used to the satisfaction of Environmental Health.
- Noise emitted from the premises must not be a nuisance beyond the premises boundary.
- A main entrance lobby must be provided that incorporates a double door system (i.e. an outer door and inner door with good separation allowing the doors to be open in turn to minimise the escape of noise from the premises.)

*The protection of children from harm*

- *Anyone under 18 years of age will not be permitted on the premise after 21:00 hours, except in the following circumstances:*
  - (a) When attending a private function that is not open to public and then only with the express permission and knowledge of the DPS or someone acting under his or her authority.
  - (b) The person under 18 years is in the company of a responsible adult.
  - (c) The person under 18 years is attending a pre-arranged "Under 18's" event of which tickets must have been pre-sold. Any event of this nature must finish by 22:00 hours and no alcohol will be sold or on display during these events.
  - (d) At "Under 18" events any person appearing under influence of alcohol for these events must be refused entry.
- The premises must operate the "challenge 21" scheme and appropriate signage must be displayed. The only ID that is permitted to be accepted is passport, driving licence with photograph or an accredited proof of age card bearing the PASS mark hologram.
- An ID scanning device must be installed, maintained and used when deemed appropriate.
- Any ID that is seized under current Home Office guidelines must be handed in to Leamington Police Station within 72 hours of seizure.

*The prevention of crime and disorder*

- The premises will operate a zero tolerance policy against drugs. Customers found with or using drugs will have them confiscated, their details taken and police called or notified as appropriate. Where appropriate, any customers that are identified as causing a violent incident and acting in an anti-social manner will be identified and reported to the Pub Watch coordinator.
- The premises must have a full incident recording system, where all incidents are recorded, whether any of the emergency services have been called or not which will be made available to the responsible authorities.
- A refusals register will be maintained at the bar which will be available for inspection by responsible authorities.
- A dispersal policy will be implemented.

- 3.3 Relevant representations have been received from Warwickshire Police, attached as appendix 2, Leamington Town Council, attached as appendix 3 and a local resident attached as appendix 4
- 3.4 Further evidence has been submitted by Warwickshire Police at the request of the applicant's solicitor. Due to the sensitive nature of the evidence this has not been circulated with the agenda but will be available at the hearing.
- 3.5 **These premises are located within the Council's Cumulative Impact Zone. This means that the applicant must prove that the application will not impact significantly on any of the Licensing Objectives – it is not for anyone making representations to prove it will.**
- 3.6 A map of the area of the premises is attached as appendix 5.
- 3.7 When considering the application the panel must give appropriate weight to:-
- a) The representations received.

- b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- c) The Council's Licensing Policy Statement (attached as appendix 6)
- d) The Licensing Objectives, which are: -
  - i) The Prevention of Crime and Disorder.
  - ii) Public Safety.
  - iii) The Prevention of Public Nuisance.
  - iv) The Protection of Children from Harm.

However, it should only consider those licensing objectives which have been referred to in the representations received.

- 3.8 The Council's Licensing Policy Statement provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary in order to ensure compliance with the four licensing objectives shown earlier. Each application will be judged on its own individual merits.
- 3.9 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

#### 4. **BUDGETARY FRAMEWORK**

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

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

- 5.1 No alternatives may be considered

#### 6. **BACKGROUND**

- 6.1 None

**Summary of Application for Altoria, 45 Warwick Street, Leamington Spa**

	<b>Plays* (Indoors)</b>	<b>Indoor Sporting events</b>	<b>Films (Indoors)</b>	<b>Live music* (Indoors)</b>	<b>Recorded music* (Indoors)</b>	<b>Performance of dance* (Indoors)</b>	<b>Anything similar to live &amp; recorded music and dancing *</b>	<b>Late night refreshment</b>
<b>Monday</b>	08:00 - 01:00	08:00 - 01:00	08:00 to 01:00	08:00 - 01:00	08:00 - 01:00	08:00 - 01:00	08:00 - 01:00	23:00 - 01:00
<b>Tuesday</b>	08:00 - 03:00	08:00 - 03:00	08:00 to 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 03:00	23:00 - 03:00
<b>Wednesday</b>	08:00 - 02:00	08:00 - 02:00	08:00 to 02:00	08:00 - 02:00	08:00 - 02:00	08:00 - 02:00	08:00 - 01:00	23:00 - 02:00
<b>Thursday</b>	08:00 - 03:00	08:00 - 03:00	08:00 to 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 01:00	23:00 - 03:00
<b>Friday</b>	08:00 - 03:00	08:00 - 03:00	08:00 to 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 03:00	23:00 - 03:00
<b>Saturday</b>	08:00 - 03:00	08:00 - 03:00	08:00 to 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 03:00	08:00 - 03:00	23:00 - 03:00
<b>Sunday</b>	08:00 - 01:00	08:00 - 01:00	08:00 to 01:00	08:00 - 01:00	08:00 - 01:00	08:00 - 01:00	08:00 - 01:00	23:00 - 01:00

For Supply of alcohol, Plays, Films, Live music, Recorded music, Performance of dance and Anything similar to live music, recorded music and performance of dance – On Sundays preceding Bank Holiday Mondays, Christmas Eve and Boxing Day the terminal hours to be extended to 03:00. On New Years Eve until the start of permitted hours on New Year’s Day.

For Late night refreshment - On Sundays preceding Bank Holiday Mondays, Christmas Eve and Boxing Day the terminal hours to be extended to 03:00. On New Years Eve terminal hour to be extended to 05:00 on New Years Day.

Opening Hours - On Sundays preceding Bank Holiday Mondays, Christmas Eve and Boxing Day the terminal hours to be extended to 03:30. On New Years Eve until the start of permitted hours on New Year’s Day.

\*Following changes to Regulated Entertainment under the Live Music Act 2012 and The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 the below will apply to this application.

**Plays** – The performance of a play taking place between 08:00 and 23:00 to an audience of less than 500 people is not licensable. All licensing conditions applicable to the control of plays on the licence would be deemed not to be in operation.

**Indoor Sporting Events** – Indoor sporting events taking place between 08:00 and 23:00 to an audience of less than 1000 people are not licensable. All licensing conditions applicable to the control of indoor sporting events on the licence would be deemed not to be in operation.

**Live music** – Live amplified music between the hours of 08:00 to 23:00 to an audience of less than 200 people is not licensable. All licensing conditions applicable to the control of live music on the licence would be deemed not to be in operation.

**Performance of dance** – The performance of dance taking place between 08:00 and 23:00 to an audience of less than 500 people is not licensable. All licensing conditions applicable to the control of performance of dance on the licence would be deemed not to be in operation.

	Supply of alcohol on Ground Floor, First Floor and Second Floor (on the premises)	Supply of alcohol on Ground Floor, First Floor and Second Floor (off the premises)	Supply of alcohol on Third Floor	Opening Hours	Last Entry Times
<b>Monday</b>	08:00 to 01:00		08:00 to 00:00	08:00 to 01:30	00:30
<b>Tuesday</b>	08:00 to 03:00		08:00 to 00:00	08:00 to 03:30	02:30
<b>Wednesday</b>	08:00 to 02:00		08:00 to 00:00	08:00 to 02:30	01:30
<b>Thursday</b>	08:00 to 03:00		08:00 to 00:00	08:00 to 03:30	02:30
<b>Friday</b>	08:00 to 03:00		08:00 to 00:00	08:00 to 03:30	02:30
<b>Saturday</b>	08:00 to 03:00	08:00 to 23:00	08:00 to 00:00	08:00 to 03:30	02:30
<b>Sunday</b>	08:00 to 01:00	08:00 to 23:00	08:00 to 00:00	08:00 to 01:30	00:30

## Licensing Act 2003

## REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):

Police

Your Name	Carline J Simms
Job Title	Licensing Officer
Postal and email address	Police Station, Warwickshire Justice Centre carline.simms@warwickshire.pnn.police.uk
Contact telephone number	01926 684293

Name of the premises you are making a representation about	Aitoria
Address of the premises you are making a representation about	45 Warwick Street, Leamington. CV32 5JX

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	<p>Warwickshire Police has considered the application to grant the premises licence and would ask Warwick District Council to refuse this application.</p> <p>Warwickshire Police believes that allowing this variation to licence will increase Crime &amp; Disorder in the vicinity. This area is already a hotspot for Crime and Disorder and has a high footfall with a concentration of alcohol licensed premises and late night refreshment establishments. <b>Further evidence will be supplied to expand on the above in due course.</b></p>
Public safety	Yes	
To prevent public nuisance	Yes	<p>Allowing this licence will encourage patrons to remain within the area rather than making their way home giving rise to potential Public Nuisance/Public Safety. <b>Further evidence will be supplied to expand on the above in due course.</b></p>
To protect children from harm	No	



**Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.**

Warwickshire Police is lodging a full objection to this application so we have no suggestions for conditions to remedy this representation.

Warwickshire Police  
Licensing Officer

Signed: Catrin Starkey  
Date: 07/10/2013

**Police Representation Evidence**  
**Hearing :- Altoria**  
**Warwick St, Leamington Spa**

**Introduction**

Warwickshire police would object to the issues of this license as a whole due to the evidence contained in this report. Although there are certain measures the premise may suggest, or the panel may consider as conditions, Warwickshire police would still object to the license in its entirety. Policing of the night time economy will always pull police away from residential areas, but an increase in hours, or introduction of new premise will add to that demand, and will also increase risks of disorder and ASB in the locality.

This application is also within the Special Policy area of the Cumulative Impact Zone of Leamington Spa, and therefore the panel are requested to seriously consider their own licensing policy when deciding upon issuing any extension of hours to this premises, based on levels of crime, disorder and anti social behaviour.

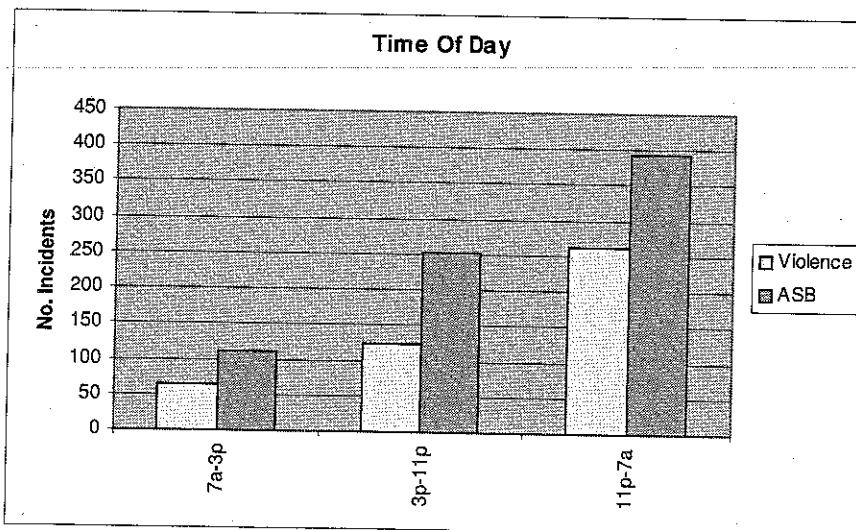
**Late Night Venues**

The number of late night venues in Leamington Spa are at saturation point and are very much in the hotspot locations for ASB, Violence and disorder. They may not be the sole cause for incidents that are reported to police, but the cumulative impact of the number of venues all add to the number of incidents on the streets and inside the venues. The late night venues also attract their business at the early hours of the morning when people have already consumed a large quantity of alcohol. These premises then by their pure business target group retain large numbers in the town centre, this then causes increase in noise and ASB, but are also potential flash points for disorder and violence.

**Police Incident Data**

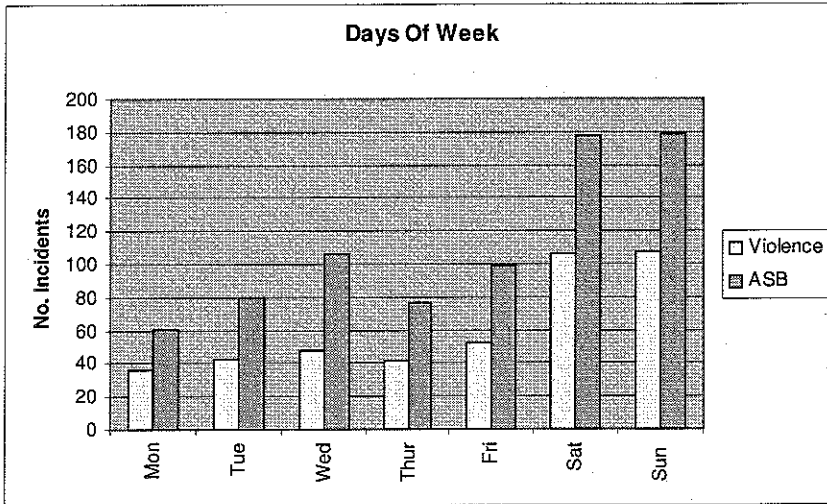
From conducting a basic research of STORM incidents from 1<sup>st</sup> Mar 2012 to 31<sup>st</sup> March 2013, approximately 1300 incidents have been found. This search has been conducted under the initial call types of Violence, disorder, Rowdy, and drunks. The areas searched covered the Town Centre and Old Town.

The following graphs represent statistical analysis of the previously mentioned incidents.



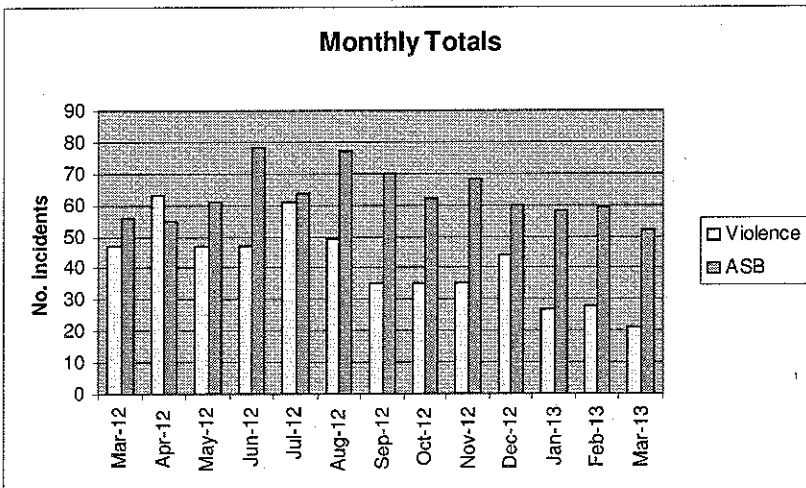
This graph represents the time of day for the researched incidents.

As can be seen the vast amount of ASB & violence incidents occur between 23:00 – 07:00hrs.



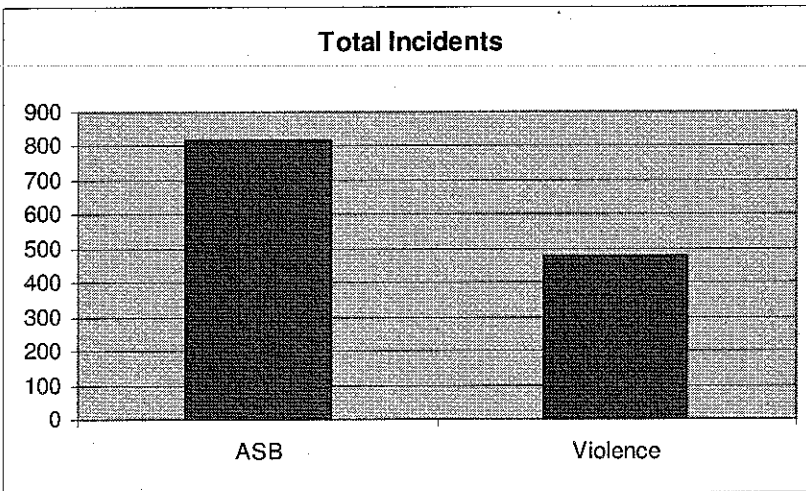
This graph represents how the calls to police are spread out over a week.

As can be seen there is a definite peak to calls over the weekend, but this is slightly misleading as many calls are in early hours, therefore Friday is under represented and Sunday over represented



This graph represents the month of the year when the two types of incidents occur. (ASB only for rowdy nuisance tag)

As can be seen there are peaks and troughs to incidents when taken as type of incident,



This graph represents the total amount of incidents overall for the two areas.

As can be seen the highest amount of incidents are for ASB.

### Venue Specific data

For a period 1/8/12 – 8/10/13 there have been 50 violence incidents recorded in Warwick St, this accounted for approximately 10% of all violence in the Town centre SNT area.

Of that figure Altoria has accounted for 40% of that violence in Warwick St when geographically associated either inside or outside the venue.

To give clarity on those incidents the ones listed below can be directly connected to the venue:-

Date	Incident	Inside or outside Venue	Result
20/8/12	Assault	Inside	Sect 47 Assault
17/10/12	Assault	Outside	Sect 39 Assault
17/11/12	Assault	Outside	Sect 47 Assault
5/12/13	Assault	Inside	No Complaint
30/12/12	Assault	Inside	Sect 39 Assault
23/1/13	Assault	Inside	Sect 47 Assault
16/3/13	Assault	Inside	No complaint
3/4/13	Public Order	Inside	RA Sect 4 PO
12/5/13	Assault	Inside	Sect 47 Assault
19/5/13	Fight	Inside	No complaint
2/6/13	Fight	Outside	Affray
18/6/13	Assault	Inside	Sect 47 Assault
21/7/13	Fight	Outside	Sect 27 Direction
10/8/13	Assault	Inside	Sect 20 Assault
8/9/13	Drugs	Inside	Poss Class A
27/9/13	Assault on doorman	inside	Sect 47
28/9/13	Disorder at door	Outside	No offence
4/10/13	Assault	Inside	Sect 47 Assault

In addition to above Altoria is also associated to high percentages of rowdy, nuisance and drunkenness type incidents recorded on police systems compared to other similar venues

### Hotspot Location

The following two maps, look at specific hotspot locations for ASB incidents. They are specifically recorded between the hours of 11am – 4am.

The two maps are separated for incidents between Sun – Thurs, and those on Sat & Sunday.

It can be seen from the maps that there are two specific hotspot locations at the times stated. That being Warwick St area of the Town Centre and the second being the area of Spencer St, Bath St, High St and Clemens St.

This premise application is within that hotspot location displayed

### Licensed Premises

The third map displays the concentration of license premise within the town centre showing the saturation in the area, it also displays the area of the CIZ as per Warwick District Council Policy.

## **Summary**

In summary, Warwickshire Polices vision and aims are to protect people from harm, therefore we recommend to the panel a full objection to the issue of this license, to prevent the increase of crime, disorder and ASB in this locality under the licensing objectives. The location and venue have been demonstrated as hotspot and high incident locations, and as such any increase in hours would add to that risk. The venue already has numerous conditions on it to promote the prevention of crime and disorder, and there are no further conditions that could be considered at this time to reduce that risk.

It can also be stated, that no matter how well run the venue is, the management maybe, how good the door staff employed are, the venue is still geographically placed in the hotspot location of Leamington Town centre, in the special policy area, on the corner of the two streets with the highest amount of crime and disorder in the town centre. Therefore it is unfortunate but due to this location they cannot demonstrate that they will not effect the cumulative impact on the area no matter what conditions are suggested.

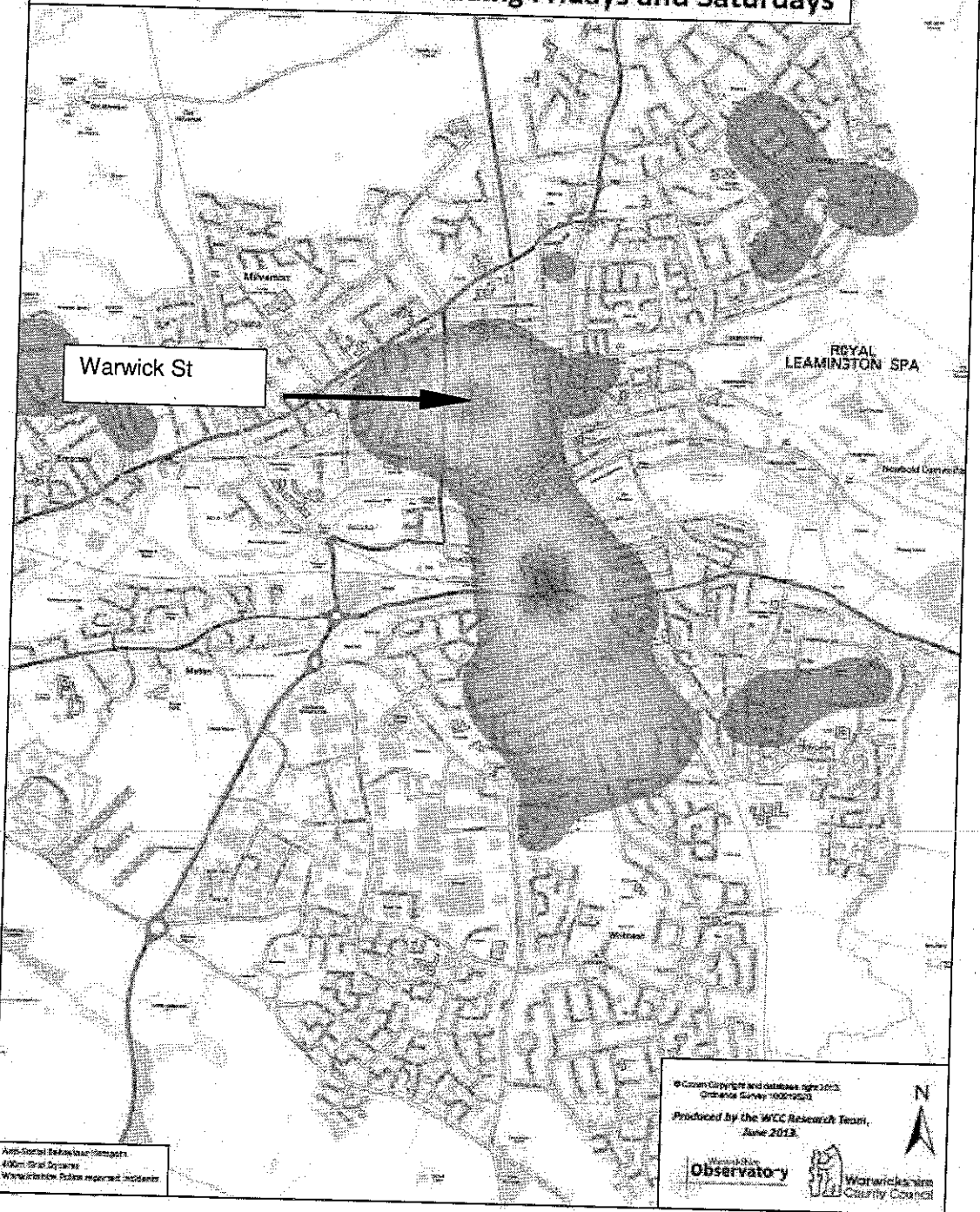
The design of the venue specifically on ground floor and nightclub floor is laid out in the format of a HVVD establishment, "High Volume Vertical Drinking", which is accounted for in the section 182 Guidance under 10.22 – which clearly states gives "significant bearing on the likelihood of crime and disorder"

We therefore submit this objection to the panel and urge the panel to consider the Warwick District Council Licensing Policy when determining the outcome.

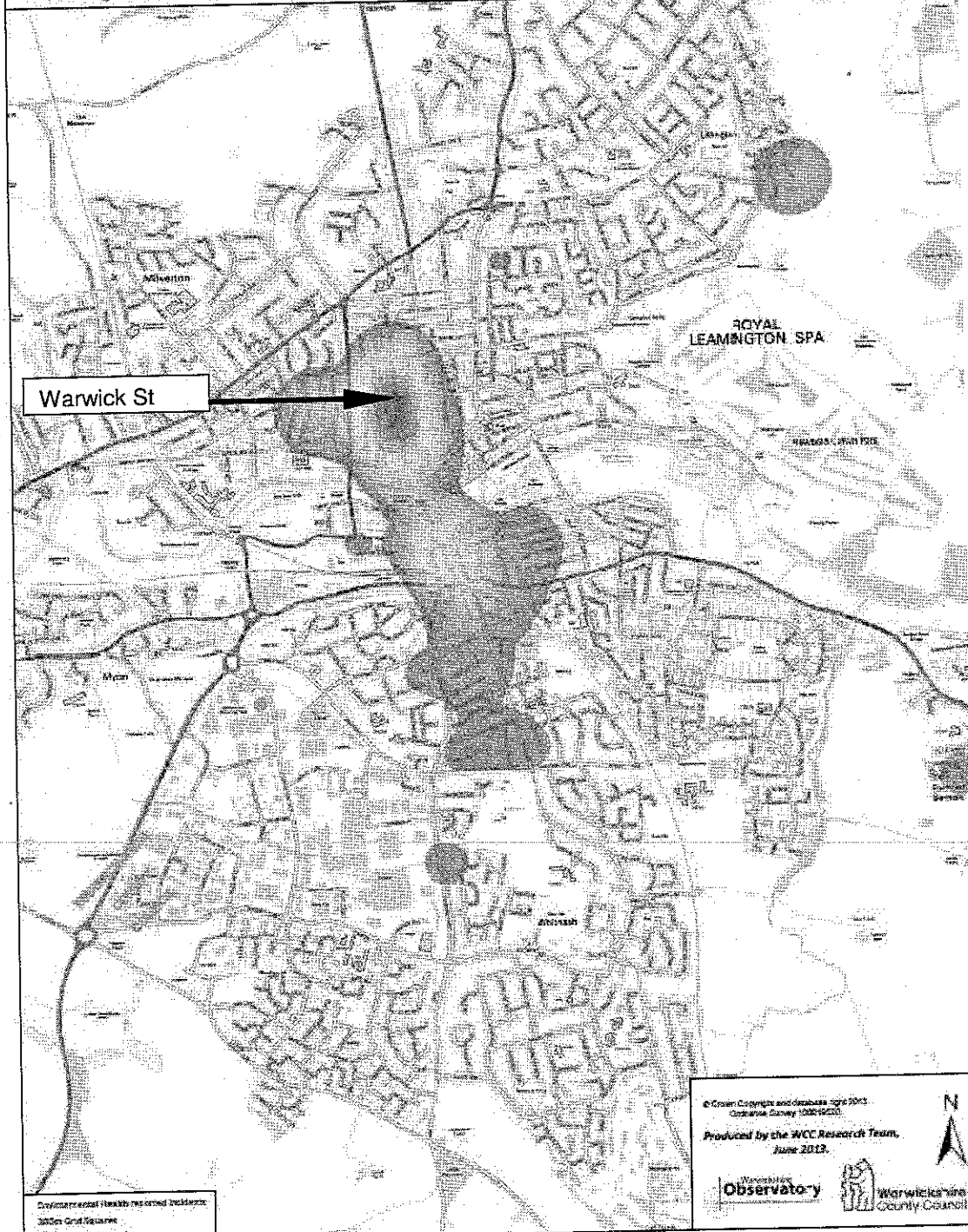
# Leamington - Anti-Social Behaviour Incident Hotspots

Year 3 - 2012 (30th September to 9th December)

Between 11pm and 4am - Excluding Fridays and Saturdays



**Leamington - Anti-Social Behaviour Hotspot  
Year3 - 2012 (30th September to 9th December)  
Fridays and Saturdays Only Between 11pm and 4am**



© Crown Copyright and database right 2013  
Ordnance Survey 100045220

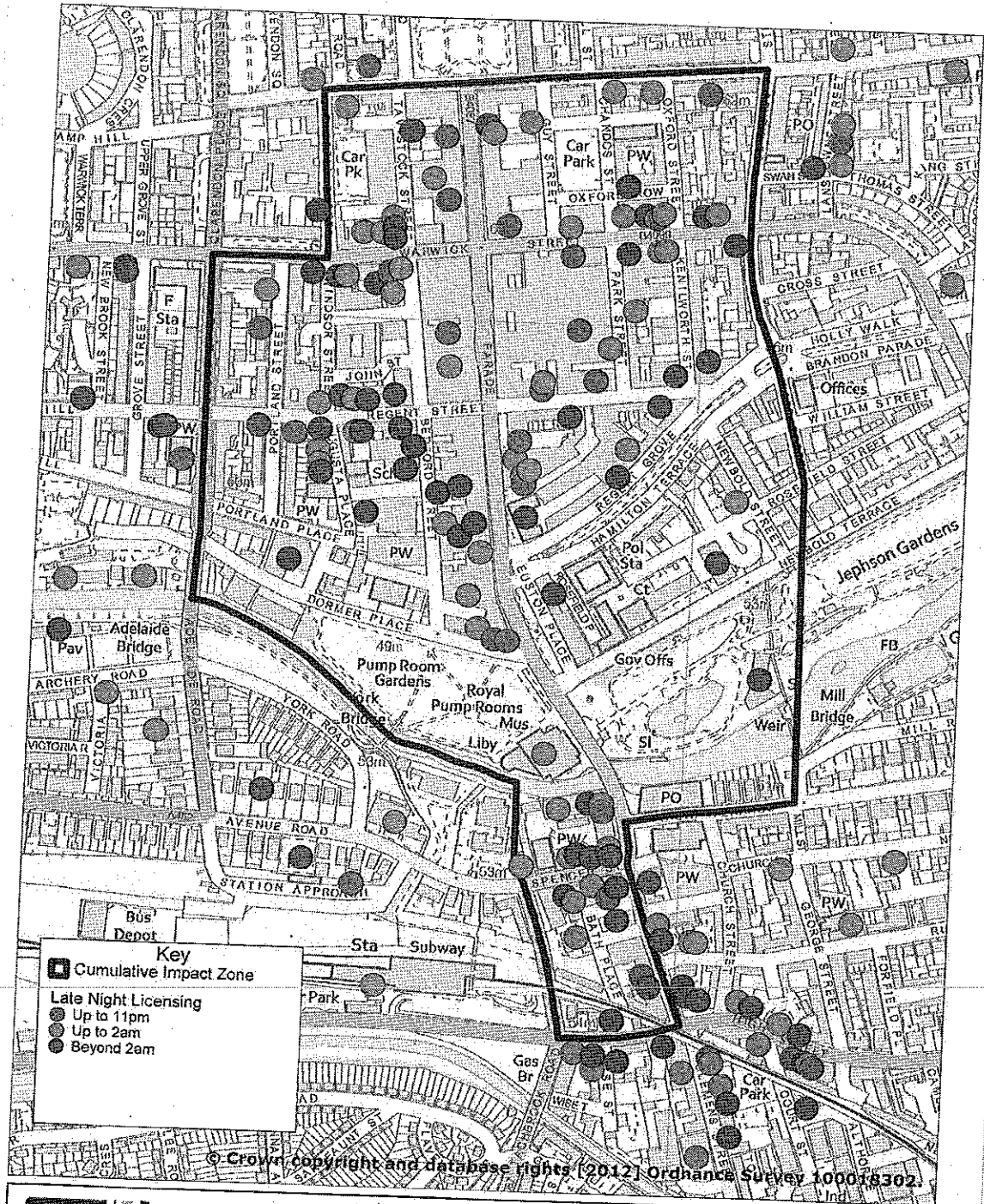
© Crown Copyright and database right 2013  
Ordnance Survey 100045220  
Produced by the WCC Research Team,  
June 2013.

Warwickshire  
**Observatory**



Warwickshire  
County Council





**Late Night Licences & Cumulative Impact Zone**

Scale: 1:5000

Date: 16 October 2012

Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire. CV32 5HZ

Tel: 01926 410410





## Licensing Act 2003 Representation Form



### Section 1 - Application Details

#### I object to the following Application:

Applicant's name (if known): Warneford Bars Ltd

Premises name and address: Altoria, 45 Warwick Street,  
Leamington Spa CV32 5JX

Application for a	Premises Licence..... x <input type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application Number	WDCPREM00773

### Section 2 - Objector details

#### Individual Objectors Details:

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

Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	_____
First name(s)	_____
Address (incl postcode):	
_____	

**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

If you represent residents or businesses please complete the boxes below

Organisation name if applicable	Royal Leamington Spa Town Council
---------------------------------	-----------------------------------

Please state nature of representation:

The Town Council objects to the extension of opening hours for the sale of alcohol on Tuesdays from 2.00 am to 3.00 am as this will encourage a greater consumption of alcohol. The Council considers that this extension will contribute to potential incidents of crime and disorder in the Town Centre and notes that the premises lie within the area defined by Warwick District Council as a "saturation zone".

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

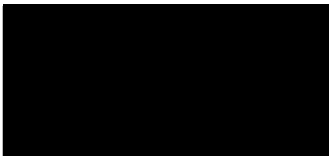
I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

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 Council opposes the extension of the hours for the serving of alcohol and requests that the application, if approved, is granted on the same terms as the current licence.



Signed.....

Date.....18/10/13.....

### 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

**Kirsten Page**

---

**From:** Andrew Cave (Home) <andrewcave@talktalk.net>  
**Sent:** 07 October 2013 21:09  
**To:** Emma Dudgeon  
**Cc:** Licensing  
**Subject:** Premises Licence Application WDCPREM Altoria, 45 Warwick Street, Leamington Spa, CV32 5JX

Dear Ms Millward,

I wish to object to Premises Licence Application WDCPREM Altoria, 45 Warwick Street, Leamington Spa, CV32 5JX

on the grounds of the prevention of noise and public nuisance.

This looks like a new application for a bar.

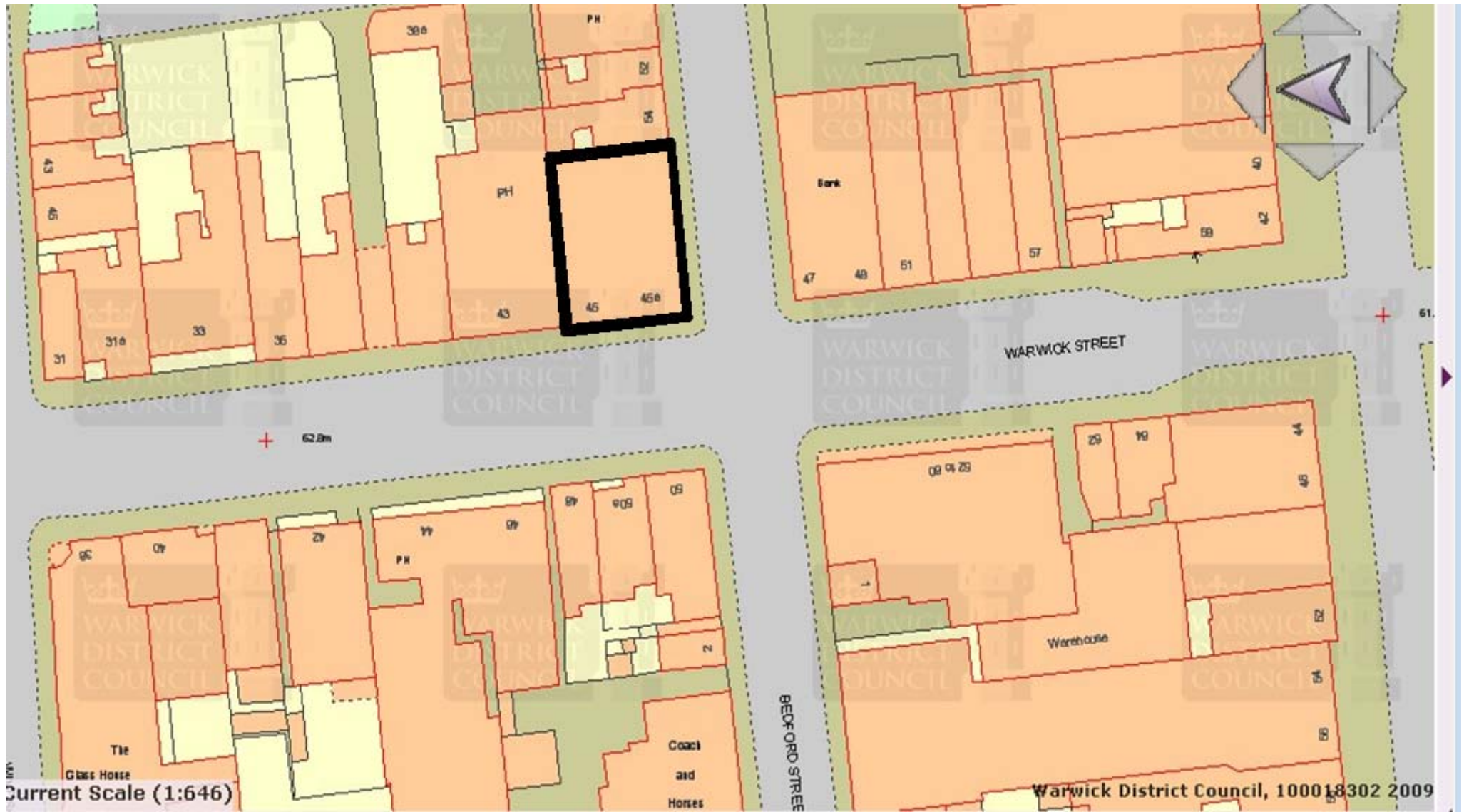
To grant it would be in breach of WDC's Saturation Policy that has been so clearly explained to WDC Licencing quite recently.

I understand that the only sort of crime on the increase in the District is drunken violence in Leamington Town centre.

To counter this WDC's alcohol saturation policy must be applied with rigour.

Best wishes,

Dr Andrew Cave  
39 Portland Street  
Royal Leamington Spa  
Warks CV32 5EY





# **STATEMENT OF LICENSING POLICY**

**Reviewed 2009**

**(Changes to cumulative impact zone added)**

**9<sup>th</sup> July 2009**

## 1. Introduction

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and guidelines on its content issued under Section 182 of the Act.
- 1.2 Warwick District Council 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 of 126,000 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.
- 1.3 The aim of this Policy is to:-
- promote the Licensing Objectives.
- 1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-
- **prevention of crime and disorder;**
  - **public safety;**
  - **prevention of public nuisance; and**
  - **protection of children from harm.**
- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- **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.**
- 1.6 This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.
- The following, will guide that decision making process:-
- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
  - each licence application will be given individual consideration on its merits;
  - when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
  - the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).
- 1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.



- 1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.
- 1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

## **2. Delegation of Functions for Regulatory Matters**

- 2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

## **3. General Statement of Guiding Principles**

- 3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

- 3.2 **Principle 1** - The Licensing Authority will not normally fix pre-determined licensing 'quotas' in any given area but see paragraphs 7 and 8.

- 3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

- 3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8)

- 3.5 **Principle 2** - The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

- 3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

- 3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing, hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

- 3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.9 **Principle 3** - The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.
- 3.10 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
  - promote public safety; and
  - promote the prevention of public nuisance.
- 3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.12 **Principle 4** - As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.
- 3.13 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
  - promote the prevention of public nuisance; and
  - address the issue of alcohol sales in shops, stores and supermarkets.
- 3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.15 **Principle 5** - The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- 3.16 The purpose behind this Principle is to:-
- promote the protection of children from harm; and
  - address the issue of children in licensed premises, including cinemas and other public entertainment.
- 3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.18 **Principle 6** – The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

#### **4. Licensing Objectives**

##### **4.1 Prevention of Crime and Disorder**

4.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the District.

4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.

4.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:-

- planning controls;
- enforcement of Environmental Protection legislation (e.g. on noise nuisance);
- positive measures to provide a safer and clean town centre;
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
- powers to designate parts of the District as places where alcohol may not be consumed publicly;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

## **4.2 Public safety**

- 4.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

## **4.3 Prevention of public nuisance**

- 4.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
  - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
  - consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.
- 4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.
- 4.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were being achieved.
- 4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives
- 4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

## **4.4 Prevention of Harm to Children**

- 4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

- 4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.
- 4.4.3 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.
- 4.4.4 Areas that may give rise to particular concern in respect of children include premises:
- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
  - With a known association with drug taking or dealing;
  - Where there is a strong element of gambling on the premises;
  - Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 4.4.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:
- Limitations on the hours when children may be present;
  - Age limitations (below 18);
  - Limitations or exclusions when certain activities are taking place;
  - Restrictions or exclusions in respect of parts of premises;
  - Requirements for an accompanying adult;
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 4.4.6 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.
- 4.4.7 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

4.4.8 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

## **5. Other Considerations**

### **5.1 Live Music, Dancing & Theatre**

5.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance in neighbourhoods will always be carefully balanced with these wider benefits.

### **5.2 Integration of Strategies**

5.2.1 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

5.2.3 Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.

5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

## **6. Other regulatory regimes**

6.1 This policy shall avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

### **6.2 Health and Safety**

6.2.1 Premises will normally have been visited by the Council's Environmental Health inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

### **6.3 Fire Safety**

6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

### **6.4 Food Hygiene**

6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

### **6.5 Noise**

6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

## **6.6 Planning**

- 6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

## **6.7 Standard Conditions**

- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

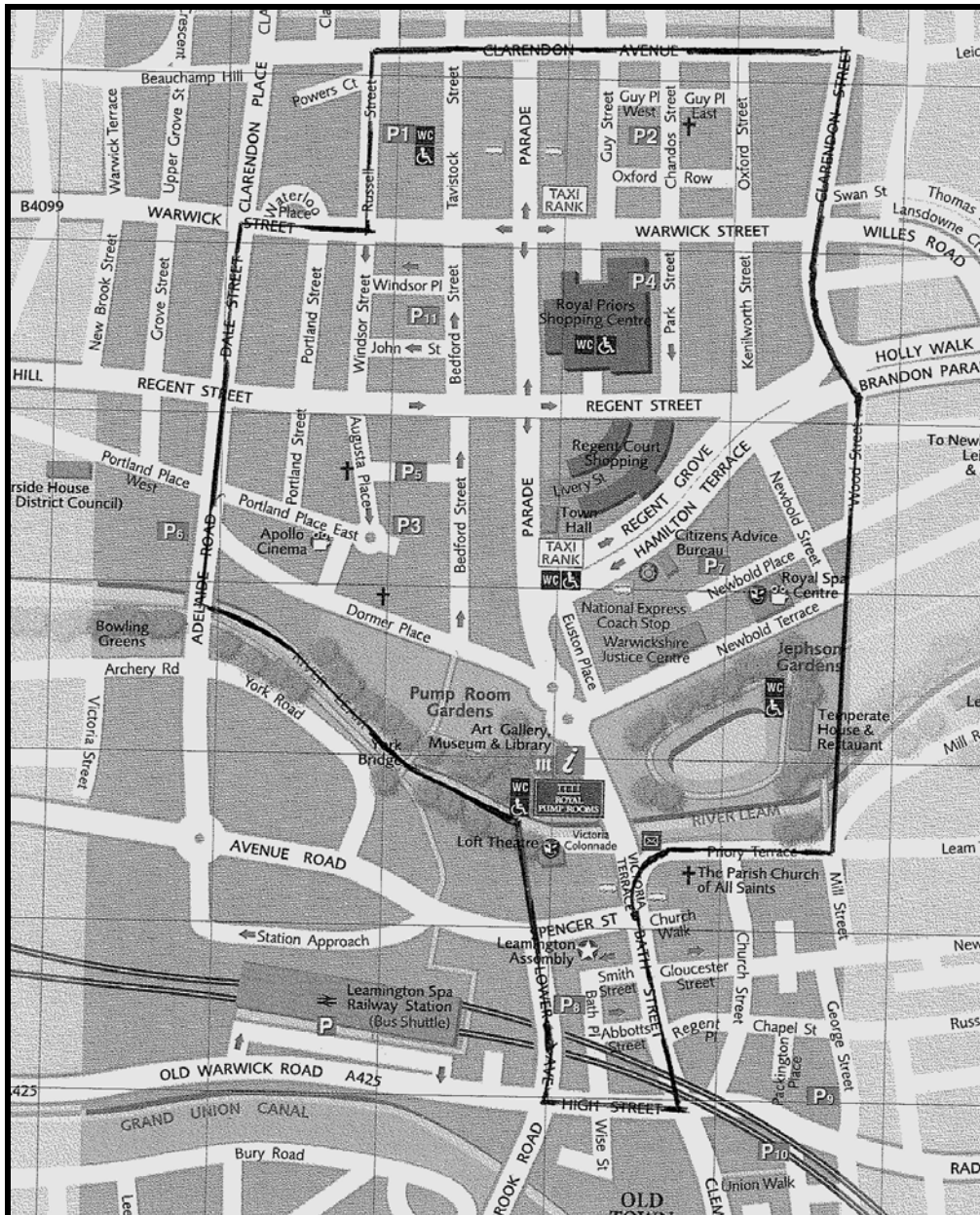
## **6.8 Enforcement**

- 6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.
- 6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Enforcement Group. Information about this group is available separately

## **7. Special Policy Regarding Cumulative Impact**

- 7.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 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. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.
- 7.3 The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 7.3 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)





- 7.4 It is considered that the cumulative impact of further new licences in 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 is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.
- 7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined

in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.

- 7.7 The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine 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.
- 7.8 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 If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.
- 7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.
- 7.11 The policy will be subject to review.

## **8. Further Information**

- 9.1 The Licensing Authority has produced guides for applicants.
- 9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.
- 9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.
- 9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.