

Licensing and Regulatory Panel

Wednesday 10 August 2022

A Licensing & Regulatory Panel will be held remotely on Wednesday 10 August 2022 at **10:00am**, and available for the public to watch via the Warwick District Council [YouTube channel](#).

Membership: Councillors Barton, C Gifford, and Wright

Agenda

1. **Appointment of Chairman**

To appoint the Chairman of the meeting.

2. **Apologies and Substitutes**

3. **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 disclosed 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.

4. **Application for a Premises Licence under the Licensing Act 2003 for That Gin and Cocktail Place, 40 Clarendon Street, Royal Leamington Spa, CV32 4PG**

To consider a report from Health and Community Protection **(Pages 1 to 92)**

Published Tuesday 2 August 2022

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

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E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the report. Details of all the Council's committees, councillors and agenda papers are available via our website on the [Committees page](#)

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prior to the meeting, by telephoning (01926)
456114

Title: Application for a Premises Licence under the Licensing Act 2003 for That Gin and Cocktail Place, 40 Clarendon Street, Leamington Spa, Warwickshire, CV32 4PG

Lead Officer: Amanda Allinson

Portfolio Holder: Cllr Judith Falp

Public report

Wards of the District directly affected: Leamington Clarendon

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Head of Service	8/7/22	Marianne Rolfe
Democratic Services manager & Deputy Monitoring Officer	12/07/22	Graham Leach
Legal Services	12/07/22	Sarah Sellers

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid premises licence application for That Gin and Cocktail Place, 40 Clarendon Street, Leamington Spa, Warwickshire, CV32 4PG. Representations have been received in relation to this application for the consideration of the panel in the determination of the application.

2. Options available to the Panel

- 2.1 Members are asked to consider the information contained in this report and decide whether the application for a premises licence at That Gin and Cocktail Place should be granted and, if so, whether the licence should be subject to any additional conditions.

The following options are available to members:

Option 1 – Grant the application as requested;

Option 2 – Grant the application with amended hours and/or added conditions, or;

Option 3 – Refuse the application.

3. Details for Consideration

- 3.1 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 8)
 - 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 must only consider those licensing objectives which have been referred to in the representations received.

- 3.2 The Council's Statement of Licensing Policy 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.

- 3.3 Details of the procedure adopted by the Licensing and Regulatory 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.
- 3.4 When you Know You Know Limited applied for a premises licence at 40 Clarendon Street, Leamington Spa on 6 July 2022. The application is for a Gin and Cocktail bar.
- 3.5 The licensable hours applied for by When you Know You Know Limited and an operating schedule, which has been submitted by the applicant and will form part of any licence issued, is attached as appendix 1.
- 3.6 The Licensing Department has received three objections from local residents. These are attached as appendices 2, 3 and 9.
- 3.7 The Licensing Department also received a representation from Environmental Health. This is Appendix 4.
- 3.8 The Licensing Department received a representation from Trading Standards. The applicant has agreed to the conditions suggested and the objection was withdrawn (Appendix 5).
- 3.9 The Licensing Department received a representation from Warwickshire Police. The applicant has agreed to the conditions suggested and the objection was withdrawn (Appendix 6).
- 3.10 No representations have been received from:
- Fire Authority
 - The Licensing Authority
 - Enforcement Agency for Health and Safety
 - Authority Responsible for Planning
 - National Health Service/Public Health
- 3.11 A plan showing the location of the premises is attached as appendix 7 along with the plan submitted by the applicant showing the internal layout.

4. Legal Comments

- 4.1 The Council's Statement of Licensing Policy 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 to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 4.2 The Live Music Act 2012 made changes to the Licensing Act 2003 with regard to regulated entertainment. The provisions in the Licensing Act 2003 (as amended) have the effect that where specified criteria apply recorded music and live music are not subject to conditions between the hours of 08.00 and 23.00.

- 4.3 Details of the procedure adopted by the Licensing and Regulatory 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.
- 4.4 All parties to the Hearing will be notified of the decision of the panel in writing within five working days of the conclusion of the hearing.
- 4.5 Any party aggrieved by a decision taken by the panel may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.
- 4.6 The decision should take place in accordance with the agreed procedure.

5. Policy Framework

5.1. Fit for the Future (FFF)

- 5.1.1 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.
- 5.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

5.1.3 FFF Strands

5.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - 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.

Services - Green, Clean, Safe – None.

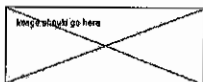
Money- Infrastructure, Enterprise, Employment - The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

5.2 Internal impacts of the proposal(s)

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.



For help contact

Telephone:

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

DCC/GIN/LEAM/GRANT/22

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

Name

First name

Earl

Family name

Withers

Contact Details

E-mail

Telephone number

Fax number

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

Is the applicant's business registered outside the UK?

☐ Yes

☒ No

Continued from previous page...

Commercial register

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

User Profile

Name

First name

Family name

Continued from previous page...

Contact Details

E-mail	<input type="text" value="REDACTED"/>
Telephone number	<input type="text" value="REDACTED"/>
Fax number	<input type="text"/>
Other telephone number	<input type="text"/>

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Your Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Is your business registered outside the UK? ☐ Yes ☒ No

Commercial register

The entity with which your business is registered, for example "Amsterdam Chamber of Commerce".

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Continued from previous page...

Address

Building number or name	That Gin and Cocktail Place
Street	40 Clarendon Street
District	
City or town	Leamington Spa
County or administrative area	Warwickshire
Postcode	CV32 4PG
Country	United Kingdom

Contact Details

E-mail	
Telephone number	
Fax number	
Other telephone number	
Non-domestic rateable value of premises (£)	10,500

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Name**

Is the name the same as (or similar to) the details given in section one?

☐ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

☐ Yes ☐ No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Date of birth

/ /
dd mm yyyy

Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

Remove this applicant

Add another applicant

Non Individual Applicant's Name

Name

When You Know You Know Limited

Details

Registered number (where applicable)

14127267

Description of applicant (for example partnership, company, unincorporated association etc)

Director

Continued from previous page...

Address

Building number or name	Monkswell House
Street	Manse Lane
District	
City or town	Knaresborough
County or administrative area	
Postcode	HG5 8NQ
Country	United Kingdom

Contact Details

E-mail	
Telephone number	
Fax number	
Other telephone number	
Date of birth	<div>dd</div> / <div>mm</div> / <div>yyyy</div>

Nationality	E
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Documents that demonstrate entitlement to work in the UK

Remove this applicant

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?	<div>29</div> / <div>06</div> / <div>2022</div>
	dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end	<div></div> / <div></div> / <div></div>
	dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Gin and Cocktail Bar

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of a play take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

--

State any seasonal variations for performing plays

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the exhibition of films take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Continued from previous page...

Will you be providing indoor sporting events?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for indoor sporting events

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Continued from previous page...

SUNDAY

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End

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for boxing and wrestling entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

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WEDNESDAY

Start

End

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THURSDAY

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FRIDAY

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Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SATURDAY

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SUNDAY

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Will the performance of dance take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

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WEDNESDAY

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THURSDAY

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SATURDAY

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SUNDAY

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End

Give a description of the type of entertainment that will be provided

Will this entertainment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 23:00

End 00:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 23:00

End 00:00

Start

End

WEDNESDAY

Start 23:00

End 00:00

Start

End

THURSDAY

Start 23:00

End 00:00

Start

End

FRIDAY

Start 23:00

End 00:00

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End

SATURDAY

Start 23:00

End 00:00

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End

SUNDAY

Start 23:00

End 00:00

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Bank Holidays, licensable activities will be extended by 1 hour.

From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock, (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 12:00

End 00:00

Start

End

THURSDAY

Start 12:00

End 00:00

Start

End

FRIDAY

Start 12:00

End 00:00

Start

End

SATURDAY

Start 12:00

End 00:00

Start

End

SUNDAY

Start 12:00

End 00:00

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Bank Holidays, licensable activities will be extended by 1 hour.

From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 12:00

End 23:59

Start 00:00

End 00:30

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 12:00

End 23:59

Start 00:00

End 00:30

WEDNESDAY

Start 12:00

End 23:59

Start 00:00

End 00:30

THURSDAY

Start 12:00

End 23:59

Start 00:00

End 00:30

FRIDAY

Start 12:00

End 23:59

Start 00:00

End 00:30

SATURDAY

Start 12:00

End 23:59

Start 00:00

End 00:30

SUNDAY

Start 12:00

End 23:59

Start 00:00

End 00:30

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Bank Holidays, opening hours will be extended by 1 hour.

Continued from previous page...

From the end of the permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Training in relation to the promotion of the licensing objectives must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.

Documented training records must be kept at the premises and made available to an officer of a responsible authority on request.

b) The prevention of crime and disorder

CCTV

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- The system will record and retain CCTV footage for a minimum of 28 days
- The system will record at all times when the premises are open.
- The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- CCTV footage must be made available to be viewed by an officer of a responsible authority during an inspection of or visit to the Premises.
- Upon receipt of a request for a copy of CCTV footage from any officer of a responsible authority, the premises will produce that footage within 24 hours.

An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- All crimes reported to the venue
- Any faults in the CCTV system, searching equipment or scanning equipment
- Any visit by a responsible authority or emergency service
- The incident book must be made available to officers of a responsible authority upon request or during an inspection

A refusals register must be kept at the Premises and maintained up to date at all times recording the date and time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale. The refusals record must be made available to an officer of a responsible authority upon request.

c) Public safety

The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

The premises' Fire Risk Assessment will be made available to any officer of a responsible authority upon request.

The Licence Holder shall ensure that the maximum number of persons on the premises at any one time shall not exceed the

Continued from previous page...

number agreed with Warwickshire Fire Service

d) The prevention of public nuisance

Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.

The premises shall have an operational dispersals policy and noise management plan.

e) The protection of children from harm

The premises will adopt the Challenge 25 scheme with appropriate signage to be placed at the entrance to the premises and adjacent to the counter area.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Duncan Craig

Capacity

Barrister and Duly Authorised Agent

Date

01

/

06

/

2022

dd

mm

yyyy

Remove this signatory

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	DCC/GIN/LEAM/GRANT/22
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

Digital Signature Information

Signer's name	
Signer's contact information	
Signing time	
Signer status	
Signature status	
Certificate issuer	

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14 JUN 2022

Licensing Act 2003 Representation Form



WARWICK DISTRICT COUNCIL

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

THAT GIN AND COCKTAIL PLACE : WDCPREM01045

Premises name and address:

40, CLARENDON STREET, LEAMINGTON SPA,
CV32 4PG.

Application for a

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

Application to vary an existing

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

Application Number

WDCPREM01045.

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 HAYTON

First name(s) FLORA

Contact Tel no: [REDACTED]

Email address: [REDACTED]

Address (incl postcode):

[REDACTED]
CLARENDON STREET
LEAMINGTON SPA
CV3 24BE

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

This is a residential street with some shops. The property is adjacent to residential property. I am concerned that the proposed trading/licence hours will result in a) increase in noise and disturbance to local residents, particularly in the evenings, b) increase in drunken and disorderly behaviour on the street. We already have regular issues with broken bottles, half empty drinks glasses etc left on our wall or outside our gate by people walking home from town. I am concerned this will increase with a licenced drinking premises on our doorstep.

I am also concerned that the proposed licence hours every day of the week seem to be later than the hours of other venues in town. Other premises seem to have closing times/licence end times earlier, at least on sun - wed. So the proposed licence hours could make the premises a destination for "one last drink", exacerbating the above concerns.

Signed.....

Date...8/6/2022...

Licensing Act 2003 Representation Form



Section 1 - Application Details

I object to the following Application: WDCPREM01045

Applicant's name (if known):

Premises name and address:

40, CLARENDON STREET
LEAMINGTON SPA
CV32 4PG

Application for a

Premises Licence..... ☒

Club Premises Certificate..... ☐

Application to vary an existing

Premises Licence..... ☐

Club Premises Certificate..... ☐

Application Number

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 WARD

First name(s) DOREEN

Contact Tel no: [REDACTED]

Email address: [REDACTED]

Address (incl postcode):

[REDACTED]
LEAMINGTON SPA
CV32 4PG

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	
<p>My objection is relevant to the following licensing objective:</p> <p><i>You can tick more than one box</i></p>	<p><input checked="" type="checkbox"/> Prevention of crime and disorder.</p> <p><input checked="" type="checkbox"/> Prevention of public nuisance.</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input checked="" type="checkbox"/> Public safety</p>

<input checked="" type="checkbox"/>	I object to the application being granted at all
<input type="checkbox"/>	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:
<p>You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.</p> <p>Please attach supporting documents / further pages as necessary - Please number all extra pages</p> <p>NEXT DOOR TO PRIVATE RESIDENCE LIMITED REAR ACCESS WASTE DISPOSAL NOISE, PARTICULARLY AT NIGHT PARKING</p>
<p>Signed.....</p>

From: Peter Lawson
Sent: 09 June 2022 17:56
To: Licensing
Subject: FW: Premises Licence Application - Gin and Cocktail Place, 40 Clarendon Street, Leamington Spa, CV32 4PG – ref WDCPREM01045- Environmental Health Representation

Categories: Jess

Premises Licence Application - Gin and Cocktail Place, 40 Clarendon Street, Leamington Spa, CV32 4PG – ref WDCPREM01045- Environmental Health Representation in respect of Nuisance

I write in response to your statutory consultation of Environmental Health dated 6th June 2022.

The premises is currently a vacant shop with a large shop window at the end of a group of shops.. It shares a party wall with the adjoining house. There are further houses close by on that side of Clarendon Street and directly opposite the front door on the opposite side of Clarendon Street.

There is no outside area for smoking. Smokers would have to gather in the street to the front of the premises.

Potential For Nuisance

There is potential for noise nuisance:-

1. through the party wall to the house attached
2. noise break out through the shop window
3. Noise escaping on opening of the door
4. Noise from customers smoking at the front of the premises late at night
5. Noise from customers entering and leaving the premises late at night.

Whilst the road is busy during the day, the street noise is much reduced in the evening. The noise described at points 2, 3, 4, 5 is likely to be apparent at the façade of the house next door and the houses s on the opposite side of the road.

Recommended Licence Conditions To Prevent Public Nuisance

If the Licensing Panel are minded to grant the application for sale of alcohol , Environmental Health recommend that the premises close at 11pm.

The applicant has not asked for regulated entertainment . The premises is unsuitable for regulated entertainment late at night. Environmental Health would oppose such an application.

WE recommend that a condition is imposed which requires the premises to close at 11pm.

Any proposals to introduce new ventilation equipment or cooking plant, may give rise to noise nuisance to the adjoining residence. Without prejudice to the recommended Licence conditions , it is recommended that the applicant apply for Planning consent for the change of use and/or new plant if they have not already done so.

Kind regards

Peter Lawson BSc(Hons) MSc CMCIEH

Chartered Environmental Health Practitioner
Senior Environmental Health Officer

Warwick District Council
Tel: 01926 456715
Email: peter.lawson@warwickdc.gov.uk

From: Licensing <licensing@warwickdc.gov.uk>
Sent: 06 June 2022 11:55
To: Community safety <communitysafety@warwickdc.gov.uk>; Fire Safety <firesafety@warwickshire.gov.uk>; HCPHealthandSafety <HCPHealthandSafety@warwickdc.gov.uk>; Home Office <Alcohol@homeoffice.gsi.gov.uk>; Lorna Hudson <Lorna.Hudson@warwickdc.gov.uk>; Planning Enforcement <Planning.Enforcement@warwickdc.gov.uk>; Pollution <Pollution@warwickdc.gov.uk>; Safeguarding <mactenders@warwickshire.gov.uk>; Safeguarding2 <licenseapplications@warwickshire.gov.uk>; SouthWarksLiquorLicensing@warwickshire.police.uk; Trading Standards <tradingstandards@warwickshire.gov.uk>
Cc: Emma Dudgeon <Emma.Dudgeon@warwickdc.gov.uk>
Subject: New Premises Licence Application - That Gin and Cocktail Place

Good morning

Please find attached new Premises Licence application for That Gin and Cocktail Place, 40 Clarendon Street, Leamington Spa, CV32 4PG – our ref WDCPREM01045.
Details to follow of the proposed DPS.

Closing date for representations is **midnight 4th July 2022**.
Please use the attached form if making a representation.

Regards
Kirsten

Kirsten Page | Senior Licensing Technical Officer | Warwick District Council | Riverside House | Milverton Hill | Leamington Spa | Warwickshire | CV32 5HZ | mail: Kirsten.page@warwickdc.gov.uk | tel: 01926 456705 | web: www.warwickdc.gov.uk

From: Duncan Craig <Duncan.Craig@citadelchambers.com>
Sent: 30 June 2022 16:23
To: Simon Cripwell <simoncripwell@warwickshire.gov.uk>
Subject: Re: New premise licence application: That Gin and Cocktail Place

Hello Simon

This condition is agreed. Many thanks.

Kind regards,

Duncan Craig
Barrister

E | duncan.craig@citadelchambers.com
W | www.licensingbarrister.co.uk
T | [07544 987300](tel:07544987300)

Citadel Chambers | [190 Corporation Street](#) | B4
[6QD](#)

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On 23 Jun 2022, at 12:52, Simon Cripwell <simoncripwell@warwickshire.gov.uk> wrote:

OFFICIAL

Dear Mr Withers

The Licensing Act 2003

Application for a premises licence: That Gin and Cocktail Place Leamington Spa

This Service is in receipt of a copy of your application for a premises licence in respect of the Licensing Act 2003. In our capacity as a Responsible Authority under the Act, I have examined your application and note that you have included reference to Challenge 25, a refusals book and staff training.

My primary concern, as I am sure you will appreciate, is preventing the sale of alcohol to children and it is in this respect that I write to you now.

In view of the above, I am currently minded to make representations to the Licensing Authority in respect of your application as it is our opinion that the licensing objectives will not be complied with if you were to take only those measures you have currently detailed in your operating schedule.

This Service suggests that measures covering the following would also be beneficial to avoid underage sales of alcohol.

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)

If you are willing to include this additional measure, please confirm in writing, to both this Service and the Licensing Authority, that you want your operating schedule amended to reflect this measure.

Yours sincerely

Simon Cripwell
Trading Standards Officer
Copy to Licensing Authority

Simon Cripwell
Senior Trading Standards Officer
Warwickshire County Council
Shire Hall (Post Room)
Northgate Street
Warwick
CV34 4RL
simoncripwell@warwickshire.gov.uk
01926 738987
07771 975570



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From: Jones, James 2035 <James.Jones@warwickshire.police.uk>
Sent: 01 July 2022 09:39
To: Licensing
Cc: Oakley, Peter 1449; Wrighting, Rebecca 2154
Subject: Fw: The Gin & Cocktail Place, Leamington Spa - New premises License App

Categories: Rachael

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk

Good Morning,

I have spoken with the applicant for the Gin and Cocktail place, Leamington Spa - and have agreed the below conditions to be added to their license.

The applicant shall co-operate with Police Officers of the Local Authority in the implementation of any initiatives to combat crime, disorder, antisocial behaviour, or nuisance in the vicinity.

All staff to be trained in the prevention of underage sales to a level commensurate with their duties. 2. All such training to be updated as necessary for instance when legislation changes and should include training on how to deal with difficult customers. The training should be clearly documented and shall be available for inspection on request by an authorised officer of the Licensing Authority or an officer of the Police. 3. An approved proof of age scheme shall be adopted and implemented. 4. Challenge 25 posters to be advertised within the premises. 5. Photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

CCTV

CCTV REQUIREMENT - The Applicant shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Officers and shall ensure :-

1. A minimum of one high resolution colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing, for external coverage of entrances.
2. A minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises, in order to provide assistance with identification of patrons, if required.
3. There must be sufficient cameras located within the premises to cover all public areas, that are capable of providing good quality head and shoulder images of persons within the premises (in order to provide assistance with identification of patrons, if required). These cameras must be able to operate within the normal operational lighting levels of the premises.
4. Lighting in the foyer and outside must be of sufficient brightness to enable camera images to be recorded to the quality stated at condition 2 above.
5. All equipment shall have constant time/date generation. This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time etc. If the system is not capable of achieving this requirement the Licence holder or a nominated person must ensure that a manual facility is available to carry out this update as an alternative.

Recording/image capture system

6. The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format, i.e. an USB that can be played back via a windows based computer.
7. There shall be sufficient members of trained staff available during the hours of operation of the premises to be able to download evidence at the request of the Police or an Authorised Officer of the Council.
8. CCTV warning signs shall be fitted in public areas of the premises.
9. The CCTV system must be maintained and checked every twelve months to ensure the system is operating correctly. The installing/maintenance company must produce a letter confirming that the system is fully functional and meets the specified requirements.
10. Recordings must be kept for a minimum of 31 days.
11. Images must be recorded at a minimum of 12 frames a second.
12. Recordings of incidents at the premises must be made secure for inspection by the Police and or Licensing Officers.
13. An Authorised Officer may, at any time, request a recording.
14. The Licence holder or a nominated person must be able to demonstrate that they operate a recording management system that prevents recordings being tampered with, stolen, and misplaced. This should include a back-up system to ensure there is no failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
15. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
16. In the event of a system malfunction, the Licence holder or a nominated person must immediately notify their Local Council and Warwickshire Police Licensing Department. Details of such malfunction must be recorded in the premises incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the operation of the system is restored.

Thanks 😊

James JONES | PC 2035

Harm Hub Bedworth

Warwickshire Police

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From: Jones, James 2035 <James.Jones@warwickshire.police.uk>

Sent: 01 July 2022 07:53

To: Bell, Aurora 6860 <Aurora.Bell@warwickshire.police.uk>

Cc: Wrighting, Rebecca 2154 <Rebecca.Wrighting@warwickshire.police.uk>; Oakley, Peter 1449 <Peter.Oakley@warwickshire.police.uk>

Subject: Re: The Gin & Cocktail Place, Leamington Spa - New premises License App

Hi Mate,

Can you let the council know regarding the CCTV conditions.

Thanks 😊

James JONES | PC 2035

Harm Hub Bedworth

Warwickshire Police

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For more information about the Harm Hub and for helpful advice and guidance, [click here](#)



From: Duncan Craig <Duncan.Craig@citadelchambers.com>

Sent: 30 June 2022 16:28

To: Jones, James 2035 <James.Jones@warwickshire.police.uk>

Cc: Wrighting, Rebecca 2154 <Rebecca.Wrighting@warwickshire.police.uk>; Oakley, Peter 1449 <Peter.Oakley@warwickshire.police.uk>; Bell, Aurora 6860 <Aurora.Bell@warwickshire.police.uk>

Subject: Re: The Gin & Cocktail Place, Leamington Spa - New premises License App

Hi James

These conditions are agreed on the basis they replace the CCTV and training conditions on the operating schedule.

Many thanks.

Kind regards,

Duncan Craig
Barrister

E | duncan.craig@citadelchambers.com

W | www.licensingbarrister.co.uk

T | [07544 987300](tel:07544987300)

Citadel Chambers | 190 Corporation Street | B4
6QD

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On 27 Jun 2022, at 12:13, Jones, James 2035 <James.Jones@warwickshire.police.uk> wrote:

Good Afternoon,

Thanks for taking my call regarding the recent new premises license application for The Gin & Cocktail Place on Clarendon Street, Leamington Spa. As mentioned, we now have a more detailed, specific requirement for CCTV within licensed premises.

I have set out our 'standard' requirements for CCTV below. Could you please review and confirm you are ok with the below ASAP so we can agree before any license is granted.

The applicant shall co-operate with Police Officers of the Local Authority in the implementation of any initiatives to combat crime, disorder, antisocial behaviour, or nuisance in the vicinity.

All staff to be trained in the prevention of underage sales to a level commensurate with their duties. 2. All such training to be updated as necessary for instance when legislation changes and should include training on how to deal with difficult customers. The training should be clearly documented and shall be available for inspection on request by an authorised officer of the Licensing Authority or an officer of the Police. 3. An approved proof of age scheme shall be adopted and implemented. 4. Challenge 25 posters to be advertised within the premises. 5. Photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

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CCTV REQUIREMENT - The Applicant shall ensure that CCTV is installed and maintained to the satisfaction of the Police and Licensing Officers and shall ensure :-

1. A minimum of one high resolution colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing, for external coverage of entrances.
2. A minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises, in order to provide assistance with identification of patrons, if required.
3. There must be sufficient cameras located within the premises to cover all public areas, that are capable of providing good quality head and shoulder images of persons within the premises (in order to provide assistance with identification of patrons, if required). These cameras must be able to operate within the normal operational lighting levels of the premises.
4. Lighting in the foyer and outside must be of sufficient brightness to enable camera images to be recorded to the quality stated at condition 2 above.
5. All equipment shall have constant time/date generation. This shall include a system to ensure automatic update in relation to the beginning and end of British Summer Time etc. If the system is not capable of achieving this requirement the Licence holder or a nominated person must ensure that a manual facility is available to carry out this update as an alternative.

Recording/image capture system

6. The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format, i.e. an USB that can be played back via a windows based computer.
7. There shall be sufficient members of trained staff available during the hours of operation of the premises to be able to download evidence at the request of the Police or an Authorised Officer of the Council.
8. CCTV warning signs shall be fitted in public areas of the premises.
9. The CCTV system must be maintained and checked every twelve months to ensure the system is operating correctly. The installing/maintenance company must produce a letter confirming that the system is fully functional and meets the specified requirements.
10. Recordings must be kept for a minimum of 31 days.
11. Images must be recorded at a minimum of 12 frames a second.
12. Recordings of incidents at the premises must be made secure for inspection by the Police and or Licensing Officers.
13. An Authorised Officer may, at any time, request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.
14. The Licence holder or a nominated person must be able to demonstrate that they operate a recording management system that prevents recordings being tampered with, stolen, and misplaced. This should include a back-up system to ensure there is no failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
15. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
16. In the event of a system malfunction, the Licence holder or a nominated person must immediately notify their Local Council and Warwickshire Police Licensing Department. Details of such malfunction must be recorded in the premises incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the operation of the system is restored.

If there are any issues please give me a call on 024 7648 3318 and we can discuss and make arrangements that will work for all.

Thanks

James JONES | PC 2035

Harm Hub Bedworth

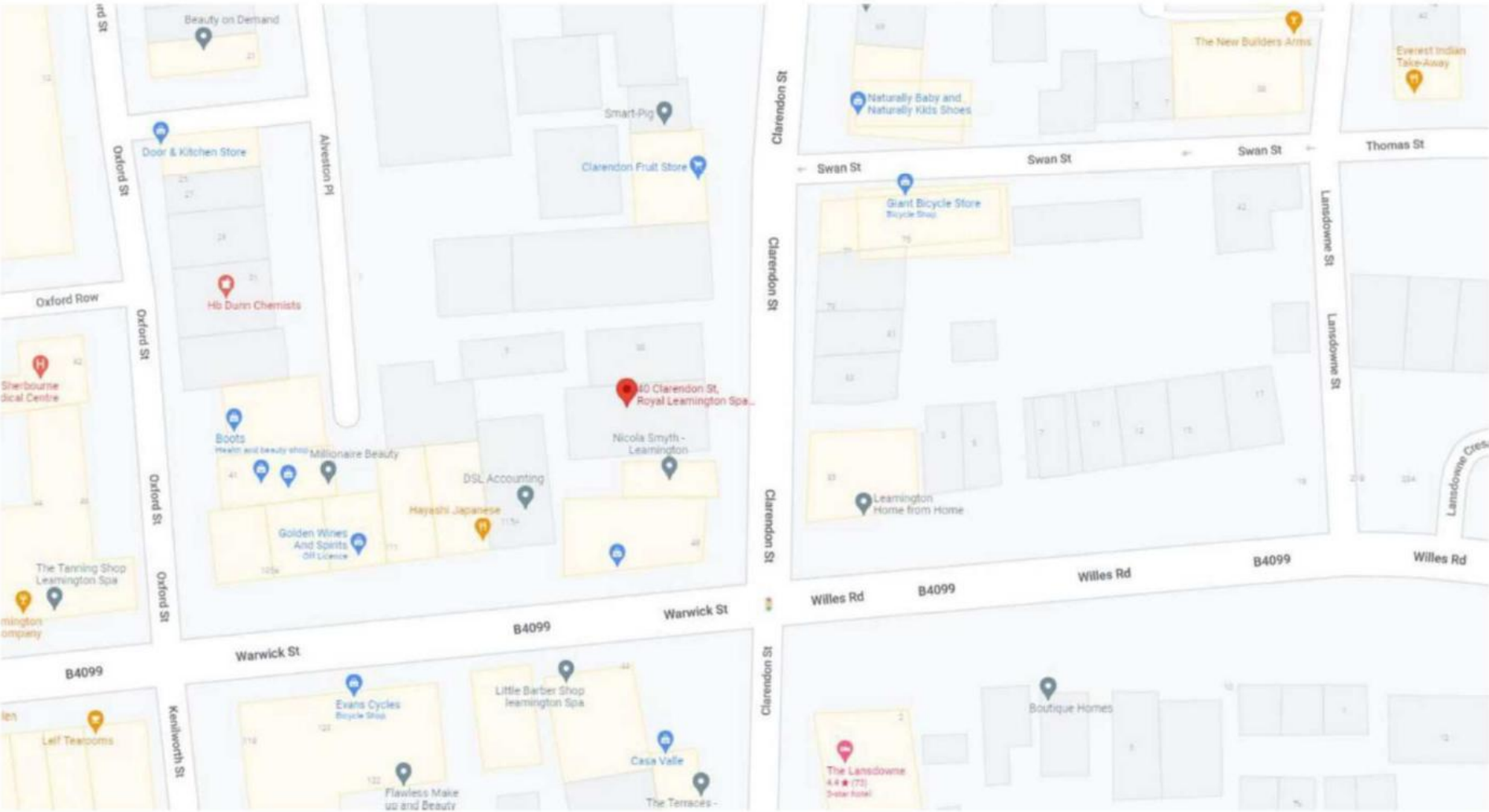
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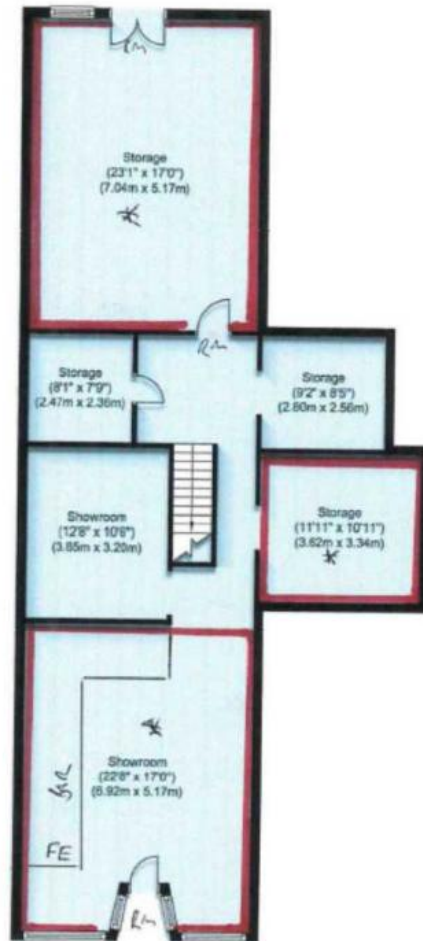


Location of Premise

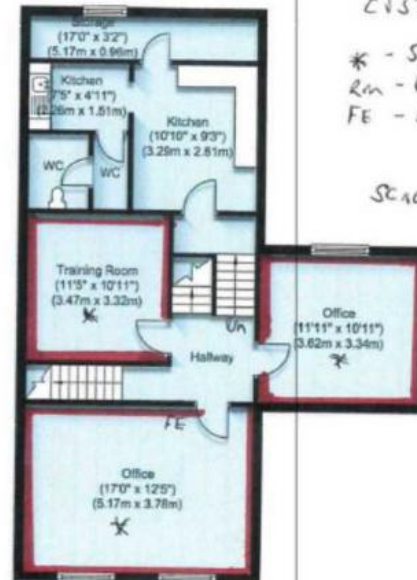




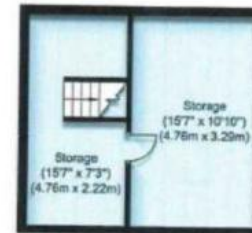
Plan of Premise



Ground Floor



First Floor



Second Floor

THAT GIN AND COCKTAIL PLACE
40 CLARENCE STREET
LEAMINGTON SPA
CV32 4PL

* - SMOKE DETECTOR
RM - ROOM
FE - FIRE EXTINGUISHER

Scale 100:1

Scale 1:100



STATEMENT OF LICENSING POLICY

(Required by section 5 of the Licensing Act 2003)

2021 - 2026

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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Appendix

1. Model Conditions
2. Responsible authorities List

STATEMENT OF LICENSING POLICY

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 2026. 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.

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

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.

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.

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.

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.

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 Council 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. Government 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 has not been presented with sufficient evidence to consider any area within the District to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.
- 7.3 The absence of a special policy does not prevent any responsible authority or any other party from making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration but the individual merits of each application must always be considered.

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, cooling, 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.

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. A full list of the mandatory conditions can be found on the Gov.uk website.

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 At the time of writing, The Warwick District Public Spaces Protection Order (PSPO) (Introduced by The Anti Social Behaviour, Crime and Policing Act 2014) are under review. Regardless of the outcome of the PSPO review the local authority must have regard to section 62 and 63 of the 2014 Act which limits what can be restricted in relation to alcohol. For example, where a PSPO covers alcohol prohibition, section 62 of the 2014 Act lists a number of premises to which an Order cannot apply – such as on licensed premises (or within its curtilage), premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol, or facilities or activities relating to the sale or consumption of alcohol which are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses). Section 63 makes it an offence only when a person refuses or fails to comply with a reasonable requirement from an authorised person not to consume or surrender alcohol.

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.

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

12.6 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.

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.

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.

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 Data Protection Act 2018.
 - g. Signed off by Warwickshire Police Design Out Crime 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. Toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) to be used in the outside areas of the premises.
24. Toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) will be used when requested by Warwickshire Police.
25. Drinks must only be served in toughened recycled and recyclable polycarbonate glasses or bottles (or similar compostable/reusable alternative) 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. Challenge 25 policy promoted on business website.
3. 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.
4. A prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge is to be made.
5. All deliveries of alcohol must be made by a person over the age of 18 years.
6. Delivery: ID checks by courier at the point of delivery in line with Challenge 25 age verification policy.
7. No person under the age of 18 shall be permitted access to the premises when entertainment of an adult nature is taking place.
8. No person under the age of (insert age) shall be permitted to remain on the premises after (insert hours).
9. Under 18's events will not take place without prior consultation with the Police and Licensing Authority.
10. Under 18's events will not take place at the premises.
11. 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.
12. The premises will operate a "Challenge 25" proof of age policy.
13. 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.
14. 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.

15. 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 – 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

C.S.T.

21 JUN 2022

WARWICK DISTRICT COUNCIL

[REDACTED]

Licensing Authority
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5HZ

17th June 2022

Dear Sir,

The Gin and Cocktail Place, 40 Clarendon Street Leamington Spa CV32 4PG

We write to advise you that we wish to oppose the application Under Section 17 of Licensing Act 2003 for the above property. We feel very strongly about this situation as Clarendon Street is overall residential. There are a few commercial units in the street but they are closed for business at around 5.30 pm and do not interfere with residential living. We already have the inconvenience of people leaving the town who have no consideration for residence. Also it would create a problem with parking and the noise with people going and leaving the premises especially if alcohol is involved. Also if they are providing food it would create more Pollution in the close proximity of the property.

There are many empty commercial units in the main town area where there are similar businesses which would be a more suitable position for this type of enterprise.

Trusting you will accept the above opposition seriously with a view to protecting the environment for the existing residents to ensure their enjoyment of living in Leamington Spa

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]