

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 4 November 2010, at the Town Hall, Royal Leamington Spa at 10.00am.

**PANEL MEMBERS:** Councillors Mrs Higgins, Pratt and Vincett.

**ALSO PRESENT:** David Davies (Licensing Services Manager) and Emma Millward (Committee Services Officer).

## 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Vincett be appointed as Chairman for the hearing.

The Chairman introduced himself, other Members of the Panel and Officers, and asked the other parties to introduce themselves.

## 2. DECLARATIONS OF INTEREST

Minute Number 3 – Application for a variation to a premises licence under the Licensing Act 2003 for The Rose and Crown, 30 Market Place, Warwick.

Councillor Mrs Higgins declared a personal interest because it was in her ward.

## 3. APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE ROSE AND CROWN, 30 MARKET PLACE, WARWICK.

The Panel considered a report from Community Protection which set out a variation application under the Licensing Act 2003.

The Licensing Services Manager outlined the report and explained to the Panel that following the publication of the agenda conditions had been agreed between the applicant and the responsible authorities. The Licensing Services Manager asked the Panel to consider all the information in the report, along with the agreed conditions and determine whether the application for a variation of the premises licence should be approved and if so if it should be subject to any conditions.

The report referred to those matters to which the Panel had to give consideration, the statutory guidance issued by the Secretary of State, the Council's Licensing Policy Statement and the Licensing objectives.

On the 9 September 2010 the licence holders, Peach Pub Company LTD, applied for a variation, as set out below, to their existing licence:

*Live Music, Films and Recorded Music (Indoors)  
Every day from 10:00 until 00:00*

*Late Night Refreshment  
Sunday to Thursday 23:00 to 00:30*

## **LICENSING PANEL HEARING MINUTES (Continued)**

*Friday and Saturday 23:00 to 01:30*

*Opening Hours*

*Sunday to Thursday from 07:00 to 00:30*

*Friday and Saturday from 07:00 to 01:30*

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

*Sunday to Thursday from 09:00 to 00:00 and Indoors only after 23:00*

*Friday and Saturday from 09:00 to 01:00 and Indoors only after 23:00*

### ***The following conditions to be removed:***

- (1) *The above restrictions do not prohibit;*
  - (a) *during the first twenty minutes after the above hours the consumption of the alcohol on the premises;*
  - (b) *during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel;*
  - (c) *during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for the consumption as ancillary to the meals ;*
  - (d) *consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;*
  - (e) *the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;*
  - (f) *the sale of alcohol to a trader or club for the purposes of the trade or club;*
  - (g) *the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or any an authorised mess of members of Her Majesty's naval, military or air forces;*
  - (h) *the taking of alcohol from the premises by a person residing there;*
  - (i) *the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or*
  - (j) *the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises;*
- (2) *Under the operating schedule the following amendments be made*
  - (a) *Prevention of Crime and Disorder – removal of "CCTV covering outside drinking area; and Burglar alarm system in place, alarmed door and windows" and replaced with CCTV is installed in the premises;*
  - (b) *Public Safety – Removal of All fire and and electrical appliances are checked annually and there are current electrical and gas certificates in place;*
  - (c) *The prevention of Public nuisance – removal of All entrance doors have internal lobbies which reduce noise emission;*
  - (d) *The protection of children from harm – removal of "Unaccompanied children are not permitted on the premises*

## **LICENSING PANEL HEARING MINUTES (Continued)**

and only then in the dining area" and "Children are not permitted in the bar" to be replaced with "Unaccompanied children are not permitted on the premises"

- (3) *The removal of the following conditions;*
- (a) *Supply of alcohol for consumption indoors only after 23:00 and outside area to be vacated by this time; and*
  - (b) *The live music and recorded music (excluding background) not be permitted after 23:00. That at other times any live or recorded music not be intrusive at the nearest elevation of any neighbouring residential premises.*

The following conditions had been agreed between the applicant and Warwickshire Police and the application was amended to reflect this agreement:

1. Live music will be restricted to no more than five entertainers;
2. No consumption of alcohol or licensable activities will be permitted externally after 23:00 hours;
3. After 23:00 hours customers will be permitted to smoke in the external rear courtyard area only;
4. CCTV to BS7958 with recording, and retained for a minimum of 31 days with head and face recognition. Copies will be made available to the Police within 24 hours upon request. The location of the CCTV cameras will be agreed by both the premises and the Police Architectural Liaison Officer;
5. The front entrance door will have a lobby;
6. Doors and windows will be kept closed after 23:00 hours, except for access to or egress from the premises;
7. Children under the age of 16 will not be permitted on the premises after 21:00 hours (other than babes in arms, i.e. those under 2);
8. Children under the age of 18 will not be permitted on the premises after 22:00 hours;
9. Supply of alcohol for consumption indoors only after 23:00 and the outside areas only to be used for smoking after that time;
10. Live and recorded music (excluding background) not be permitted after 00:00 and that at any other times live or recorded music not be intrusive at the nearest elevation of any neighbouring residential premises.

After considering all the information in the report the Panel were of the view that granting the variation would be unlikely to have an adverse effect on the four Licensing Objectives. Therefore, the panel granted the variation as applied for, subject to the operating schedule of the variation application and the conditions agreed between the applicant and responsible authority.

**RESOLVED** that the variation for the premises licence be granted as applied for subject to the following additional conditions:

- (1) live music will be restricted to no more than five entertainers;

## **LICENSING PANEL HEARING MINUTES (Continued)**

- (2) no consumption of alcohol or licensable activities will be permitted externally after 23:00 hours;
- (3) after 23:00 hours customers will be permitted to smoke in the external rear courtyard area only;
- (4) CCTV to BS7958 with recording, and retained for a minimum of 31 days with head and face recognition. Copies will be made available to the Police within 24 hours upon request. The location of the CCTV cameras will be agreed by both the premises and the Police Architectural Liaison Officer;
- (5) the front entrance door will have a lobby;
- (6) doors and windows will be kept closed after 23:00 hours, except for access to or egress from the premises;
- (7) children under the age of 16 will not be permitted on the premises after 21:00 hours (other than babes in arms, i.e. those under 2);
- (8) children under the age of 18 will not be permitted on the premises after 22:00 hours;
- (9) supply of alcohol for consumption indoors only after 23:00 and the outside areas only to be used for smoking after that time; and
- (10) live and recorded music (excluding background) not be permitted after 00:00. That at any other times and live or recorded music not be intrusive at the nearest elevation of any neighbouring residential premises.

(The meeting finished at 10.04 am)