



**Licensing Panel**  
**30<sup>th</sup> November 2011**

**Agenda Item No.**

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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006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

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

**Officer/Councillor Approval**

With regard to officer approval all reports *must* be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).

<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	21/11/2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	21/11/2011	Councillor Coker

**Consultation Undertaken**

N/A

<b>Final Decision?</b>	Yes
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## 1. SUMMARY

- 1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol and provide regulated entertainment and late night refreshment must hold a premises licence.

## 2. RECOMMENDATION

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

## 3. REASONS FOR THE RECOMMENDATION

- 3.1 Leamington Tennis Court Company has applied for a premises licence for Leamington Tennis Court Club, 50 Bedford Street, Leamington Spa to permit the following:

- *The sale of alcohol on the premises*

08:00 to 00:00	Sunday to Wednesday
08:00 to 01:00	Thursday
08:00 to 02:00	Friday to Saturday

- *The sale of alcohol off the premises*

08:00 to 23:00      Seven days a week

- *Plays, Films, Indoor Sporting Events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance, anything Similar to the previous, the Provision of facilities for Making Music, Dancing and anything similar to the previous, making music, dancing, anything similar to making music and dancing (all indoors only)*

08:00 to 00:00	Sunday to Wednesday
08:00 to 01:00	Thursday
08:00 to 02:00	Friday to Saturday

- *Late night refreshment*

23:00 to 00:00	Sunday to Wednesday
23:00 to 01:00	Thursday
23:00 to 02:00	Friday to Saturday

- *The opening hours are shown as:*

08:00 to 00:30	Sunday to Wednesday
08:00 to 01:30	Thursday
08:00 to 02:30	Friday to Saturday

*All above (except alcohol off sales) to be extended from the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day.*



- 3.2 An operating schedule, which would explain any steps to be taken by the applicant to promote the four licensing objectives, and will form part of any premises licence granted has been submitted as follows:

#### *General*

- We have a strong management team and a training programme to ensure all staff are briefed on the licensing objectives. In particular no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, violent or anti-social behaviour and a need to protect children from harm,.
- The Club premises have a burglar alarm system and a controlled means of entry via the main entrance on Bedford Street.

#### *The Prevention of Crime and Disorder*

- Responsible management controls, for example capacity levels.
- Ongoing staff training including identification of anti-social or unusual behaviour.
- Training and supervision of all staff to adopt best practice, adhere to the Portman Group on drinks strategy.
- Use of proof of age scheme, internal and external lighting checked regularly
- All door supervisors to be SIA registered and badged (when employed).
- Premises to give 14 days notice to Warwickshire Police Licensing when intending to hold large public events, whether entry by payment or otherwise and Warwickshire Police Licensing will have the right of veto or the right to require premise to employ door supervisors for said event. This also includes activities such as Boxing matches or other higher risk activities.
- DPS to make ongoing professional risk assessments on all other days / events as to whether to employ door supervisors.
- CCTV shall be installed and with the cameras sited at the entrance to the premises in Bedford Street and shall be positioned by agreement with the Warwickshire Police Architectural Liaison Officer. The system shall have head and facial recognition coverage, be recordable and retained for a minimum of 31 days. At least one member of staff shall be on duty at all times who can operate access and download images on the request of the Police or Local Authority. Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.
- The premises shall be an active member of locally Police Approved Pubwatch & Radio Scheme and conform to its policies and procedures
- Sale or supply of intoxicating liquor will be limited to:
  - a) members, guests of members, visiting teams and their supporters and persons taking part in competitions and tournaments; and
  - b) persons attending bona fide pre-organised business and social functions and events.
- No open vessels to leave the premise at anytime

#### *Public Safety*

- First aid training for a member of staff. Health and Safety risk assessment carried out regularly.
- Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually.
- Fire risk assessment carried out weekly.

- All training stated in operating schedule must be recorded and signed by each member of staff receiving said training.

#### *The Prevention of Public Nuisance*

- Zero tolerance to drunken or anti-social behaviour.
- Regular visits to all parts of the premises inside and out. Management and staff, voluntarily follow best practice, e.g. control of noise from pubs and clubs.
- Out of hours deliveries to be monitored.
- All staff trained to ensure quiet departure of patrons.
- Persons shall be employed to collect any litter left outside the premises by patrons.
- Ventilation to be maintained to prevent nuisance of odour and noise.
- All outside areas to be vacated and closed by 23:00 hrs save that a maximum of 10 persons at any one time shall be permitted to use the garden area for smoking

#### *The Protection of Children from Harm*

- Sufficient staff shall be provided to protect children from harm, with training on appropriate behaviour.
- Children must be accompanied by a responsible person who has attained the age of 18.
- No children shall be permitted at the bar serveries.
- The premises shall adopt the Challenge 21 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar servery.
- The premises shall operate a policy whereby any person attempting to buy alcohol will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.

- 3.3 Representations against the application has been received from Warwick District Council, Environmental Health as a Responsible Authority which is shown as Appendix 1 and Interested Parties shown as Appendices 2 to 4.
- 3.4 **These premises are contained within the Cumulative Impact Area which is contained within the Licensing Policy adopted by Warwick District Council. This being the case, the burden of proof is with the applicant to show that the application will not impact on the four licensing objectives; it is not for the representors to prove that it will.**
- 3.5 A plan of the area is shown as Appendix 5
- 3.6 When considering the application the panel must give appropriate weight to:-
  - a) The representations received.
  - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
  - c) The Council's Licensing Policy Statement (Appendix 6).
  - d) The Licensing Objectives, which are:-
    - i) The Prevention of Crime and Disorder.



- ii) Public Safety.
- iii) The Prevention of Public Nuisance.
- iv) The Protection of Children from Harm.

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

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

#### 4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

#### 5. **BUDGETARY FRAMEWORK**

- 5.1 This report has no budgetary considerations for the Council.

#### 6. **POLICY FRAMEWORK**

- 6.1 None

#### 7. **BACKGROUND**

- 7.1 None.



APP 1

## Environmental Services

Richard Hall – Head of Service

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

Wright Hassal Solicitors  
Olympus Avenue  
Tachbrook Park  
Warwick CV34 6BF

**direct line:** 01926 456715  
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Fao: Mr Andrew Potts

**our ref: /PML**

28<sup>th</sup> October 2011

Dear Sirs

**Licensing Act 2003**

**Representation from Responsible Authority – Prevention of Public Nuisance**  
**Leamington Tennis Court Club, 50 Bedford Street, Leamington Spa**

Attached, for your information, is a copy of my comments to the Licensing Officer of the Council with respect to the application for grant of a new premises licence under the Licensing Act 2003, together with the suggested conditions.

If you / your client accept my suggested conditions, then please advise me as soon as possible by letter or e-mail, as this may avoid a Licensing Committee Hearing.

Do not hesitate to contact me if you wish to discuss any matter.

Yours sincerely,

Peter Lawson  
Senior Environmental Health Officer



WARWICK DISTRICT COUNCIL  
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE  
AUTHORITIES

Responsible Authority – Environmental Services, PO Box 2176,  
Riverside House, Milverton Hill,  
Leamington Spa CV32 5QF

Your Name	Peter Lawson
Job Title	Senior Environmental Health Officer
Postal and email address	Warwick District Council, PO Box 2176, Leamington Spa CV31 5QF
Contact telephone number	01926 456725

Name of the premises you are making a representation about	Leamington Tennis Court Club
Address of the premises you are making a representation about	50 Bedford Street, Leamington Spa

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	Y	The premises are situated near residential accommodation and hence there is potential for a noise nuisance to occur from regulated entertainment. The tennis court used as a function room for dances, concerts etc is not so constructed as to contain the noise which breaks out through the large glass windows. The Council has received complaint about an event held in July. On the night of 15 <sup>th</sup> October Environmental Health witnessed loud noise of music escaping from the premises during an entertainment.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	1. Provide suitable sound insulation to prevent the escape of entertainment noise from the tennis court used as a function room.  2.Noise arising from regulated entertainment shall not be <i>audible</i> when <i>monitored</i> one metre from the façade of the nearest noise sensitive building. This wording allows the DPS to check compliance without a noise meter.
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Signed:

Date:

28/10/11



APP 2

**22 Augusta Place, Leamington Spa, Warwickshire. CV32 5E**

**Tel: 01926-33877**

Attn: Mr David Davies  
Licensing Services Manager  
Warwick District Council

24th October 2011

Dear Mr Davies,

**PREM00718 – Leamington Tennis Court Club,  
50 Bedford Street, Leamington Spa, CV32 5DF**

We have very real concerns about this application as it is clear that the premises are unsuitable for the noise that would be generated by the sort of activities proposed.

We live approximately 60 yards from the extensive courts area of the Leamington Tennis Court Club, and until this year we have not had any cause for complaint. Unfortunately, we did have considerable cause to complain on 9th July, when the Club held a social evening including a live band, booked until 2.00am. The sound of music was sufficiently loud that we could actually catch the words of several songs, but it was only when we ventured outside into Bedford Street car park that we could identify the source.

The Tennis Court Club building is well designed as a real tennis club. As a venue for live music, the courts area is wholly unsuitable, as it is largely composed of glass. Even when the windows are closed (as they were at our request at around 11.45pm on 9th July), there is no insulation to prevent amplified music from escaping. The sound of music was clearly audible not just from our home, but from even further away.

The Panel will be aware that the Tennis Club building consists of two parts – the courts area that faces Bedford Street car park, and the bar and social rooms that face Bedford Street. This application seeks to license the *total* ground floor area of the Club, which would produce one of the largest licensed premises in the District. This floor area would appear far greater than that of many nightclubs.

We are totally opposed to the wing with the tennis courts being licensed. It is not possible for the expanse of glass windows to be adequately sound-proofed, and its sheer size means that amplified entertainment in the courts area would inevitably cause public nuisance.

By contrast, the building on Bedford Street does offer adequate sound insulation, and although we have some concerns about it regularly remaining open until 3.00am, this should (if well managed) not cause significant nuisance to residents.



We are also concerned that the applicant appears to be very unclear as to exactly how they wish to use this venerable building, having ticked the boxes for every use from dancing to wrestling.

Whilst the club may have applied for a Premises Licence as against the club licence they currently hold so as to have greater flexibility in lettings, it would also benefit any future user should the Club sell the premises in the future. A wholesale licensing of the entire ground floor could potentially enable it to function as a nightclub with a very different clientele.

The Tennis Court Club has already shown that playing amplified music in the courts area causes noise nuisance to residents. We therefore object to this application and would be grateful if the Panel could bear our concerns in mind. We would make every effort for one of us to attend the hearing to put our case to the panel.

Kind regards,

Carolyn and Bill Gifford

**Enclosures:** We attach two photographs: TennisClub1 one shows the close proximity of the courts building to our house. TennisClub2 shows the considerable size of the courts area and the expanse of glass.

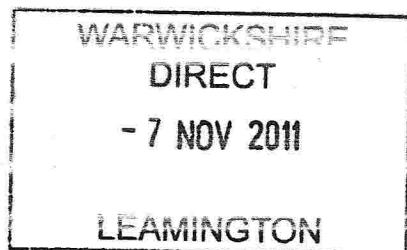


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D.P. 3

46-48 Bedford Street  
Leamington Spa  
CV32 5DT

7<sup>th</sup> November 2011

Objection Against Licence Application 00718 – 50 Bedford Street, Leamington Spa

Dear Sir/Madam,

I am writing to object in the strongest possible terms against the licence application at the Tennis Club, 50 Bedford Street.

When I agreed to buy 46-48 Bedford St in 2009, the building had a tenant running a successful business paying a significant amount of rent. This was one of the reasons I purchased the property, as it was a good investment.


However, during negotiations, it became clear there were planning issues with the use of the property, & the end result was that the use of part of the premises was deemed unfit & contrary to policy, the business closed & I lost both a tenant & income stream.

Since that time, I have converted the units at the front of the building to 2 x 6 bedroom student units following grant of planning application W/10/0975. The buildings are fully let for this year & next year, however, the current tenants have real concerns as to their quality of life if this application was granted. They are happy to be living in the town centre, & aware that there will obviously be night time noise, however, they would not be happy living next to what could be Leamington's largest licensed premises with hours of 8am-3am every day. Although this is currently a members tennis club, once a licence is granted, there is nothing to stop this becoming a huge nightclub in the future.

I have also been granted permission to convert the rear of the property into 3 loft apartments – W/10/1644. This scheme was roundly applauded by the planning committee, who felt the scheme was a breath of fresh air & potentially award winning. However, having spoken to local agents, if a licence was granted for the tennis club, this could dramatically affect the final value of the lofts & in turn jeopardise the scheme as a whole.

I am aware that there is a difference between my building & 50, as the bar at mine was shut down due to planning regulations & not licensing; although my property had a licence. However, I understand that a saturation policy is in place & as such, no further licences should be issued. I question the motives of the tennis club & what their future plans are on the basis of the hours they are requesting & the fact they are requesting the whole floor area of the building to be licensed.

Regards



Martin Holton

APR 4

**39 Portland Street, Royal Leamington Spa, Warwickshire, CV32 5EY**

Tel: 01926 832551

Mobile: 07885 227342

andrewcave@talktalk.net

Mr David Davies AInstLM  
Licensing Services Manager  
Warwick District Council  
Riverside House, Milverton Hill,  
Royal Leamington Spa,  
Warwickshire CV32 5HZ

6<sup>th</sup> November 2011

Dear Mr Davies,

**Leamington Tennis Court Club Premise Licence Application WDCPRE00718**  
**Licensing Act 2003**

Please be informed that I am an interested party under the Licensing Act 2003 regarding the Leamington Tennis Court Club, 50 Bedford Street, Leamington Spa, CV32 5DF, Premise Licence Application WDCPRE00718.

This application appears to wish to turn the Real Tennis Club into a nightclub.

I would like to make the following representation in respect of the prevention of public nuisance and crime and disorder including reference to Warwick District Local Plan Policy TCP 4 and Section 7 of the Statement of Licensing Policy dated 9<sup>th</sup> July 2009.

It is recognised that there is an excessive concentration of licensed premises within the town and consequently in the centre of Royal Leamington Spa a special Cumulative Impact Alcohol Saturation Zone has been established based on crime and disorder incidents recorded.

Leamington Tennis Court Club is within this Zone in which, I understand, police records show that a very considerable number of crimes take place. I am sure that you will be aware that policy DP 13 of the Warwick District Local Plan requires the council take account of section 17 of the Crime and Disorder act 1998.

Specifically, I object to: -

- 1) a 3.00am closing time,
- 2) the licence application being for everything from amplified music to wrestling, and
- 3) the licence application including the whole building including the tennis courts that are along the side of the Bedford Street Car Park and have a massive amount of windows with no effective sound proofing.
- 4) the licence application being so all encompassing that either the applicant has no clear business plan or, alternatively, the premises is going to become the cause of much public nuisance and new source within the exclusion zone of crime and disorder.

It has been reported that the Club held a fundraising event in July 2011 that included a live rock band that caused a serious disturbance to local residents so it should be obvious that the courts area of the Club is not suitable for live events or any form of amplified music.

Under the Licensing Act 2003 the applicant is required to show the steps to be taken to promote the prevention of public nuisance. Further, WDC has adopted a special policy, if representations are made, of refusing licence applications in the above mentioned Zone, if, by granting them, they would contribute to the cumulative impact in the area that the Licensing Authority wishes to mitigate. These conditions have not been satisfied and no attempt has been made by the applicant to show how public nuisance is to be reduced by selling yet more alcohol in Leamington's Alcohol Saturation Zone (please see Section 7 of WDC's Licensing Policy).

I most strongly recommend that this application be refused in its entirety.

However, should the granting of a licence be considered I would suggest the following conditions be applied: -

1. Closing time to be no later than midnight.
2. No amplified music of any kind at any time in the tennis court area..
3. Noise levels arising from regulated entertainment shall not be at such a level as to be audible when measured one metre from the façade of the nearest noise sensitive premises or dwelling.

Yours sincerely,

Dr Andrew Cave



APP 5

