

REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday 20 April 2005 at the Town Hall, Royal Leamington Spa at 10.00 am.

PRESENT: Councillor Mrs Goode (Chair), Councillors Butler, Coker, Doody, Evans, Harris, Mrs Knight and Windybank.

Apologies for absence were received from Councillor Kundi.

(Councillor Evans substituted for Councillor Gill).

19. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

20. **RENEWAL OF PUBLIC ENTERTAINMENT'S LICENCE – THE WILLOUGHBY, AUGUSTA PLACE, LEAMINGTON SPA**

A report from Members' Services was submitted on an application for the renewal of the public entertainments licence for the above premises which expired on 4 April 2005.

At the meeting held on 21 March 2005, the Committee had considered the renewal of all public entertainments licences which expired on 4 April 2005. A letter and an email objecting to the renewal of the licence for these premises had been submitted to that meeting and in the circumstances the Committee had agreed to hold a hearing.

Dr Cave, one of the objectors, had submitted an amended letter since the meeting on 21 March 2005 and a copy of this letter together with appendices was circulated with the agenda.

The other objector, Mrs Cave, had submitted an email to the meeting on the 21 March 2005 and a copy of this email was circulated with the agenda.

Richard Hall had submitted a report on the renewal of public entertainments licences generally and on the renewal for the licence for these premises in particular to the meeting on the 21 March 2005 and a copy of the report was circulated with the agenda.

Solicitors acting on behalf of the applicant had prepared a submission and a copy of this was circulated with the agenda.

Dr Cave attended the meeting.

Richard Hall, Divisional Environmental Health Officer, attended the meeting.

The applicants Messrs Andrew Liddington and John Moreby attended the meeting together with their Solicitor Ms Amanda Pillinger.

REGULATORY COMMITTEE MINUTES (Continued)

The Chair introduced those present.

The representative from Members' Services introduced the item and explained the procedure for dealing with the application. No comments were made on the proposed procedure.

In accordance with the procedure Ms Pillinger addressed the Committee. As part of her submission she asked Mr Moreby to explain the sound system in the premises.

Ms Pillinger referred to an incident on the 17 October 2004 but as this was not in her original submission, the Committee decided that further reference to it should not be allowed.

Ms Pillinger, Mr Moreby and Mr Liddington then answered questions from Members of the Committee, Officers and Dr Cave.

In response to one of the questions Ms Pillinger referred to letters from Richard Hall to Mr Liddington, Mr Liddington to Richard Hall and from the Fire Service to Mr Liddington regarding the front doors to the premises. Copies of the letters were handed to the representative from Members' Services. Dr Cave did not object to reference being made to the letters. It was clear from the letters and from information submitted by Ms Pillinger that the outer doors of the lobby at the front of the premises had always been kept open at all times the premises were occupied because of fire safety requirements. The applicant was discussing the matter with the Fire Officer with a view to changing the layout of the doors so that both the inner and outer doors could be kept closed apart from access.

Dr Cave then addressed the Committee in support of his objection and answered questions from Members of the Committee and Officers.

Ms Pillinger had no questions for Dr Cave.

Dr Cave did not object to the renewal of the licence in his submission but asked that conditions should be imposed to require the outside drinking areas to be cleared by 9.30 pm, for live or recorded music to cease at 10 pm and for the Environmental Health Officer to set the level of music so that it was completely inaudible at his property.

Richard Hall then addressed the Committee and answered questions from them.

Although it was not within the procedure for objectors to question each other, in the circumstances, Dr Cave was allowed to question Richard Hall.

Dr Cave was then invited to sum up which he did. As part of his summing up Dr Cave thanked the Committee for taking so much time in considering the application.

REGULATORY COMMITTEE MINUTES (Continued)

Amanda Pillinger was then invited to sum up which she did.

RESOLVED that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting during the discussion of this application by reason of the likely disclosure of exempt information within paragraph 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Committee considered all the information presented to it and received advice from the Officers on various matters.

RESOLVED that the application for the renewal of the public entertainments licence for The Willoughby, Augusta Place, Leamington Spa for the period ending 4 April 2006 be approved subject to the same conditions as the expiring licence and the following additional condition:-

the Divisional Environmental Health Officer resetting the noise limiter if he thinks it necessary and to the resolution of the doors issue to the satisfaction of the Divisional Environmental Health Officer within three months.

The applicant, objectors, press and public were then invited back into the meeting and the representative from Members' Services informed the applicant of the Committee's decision.

The Council's Solicitor then reported that he had retired with the Committee to give them legal advice and that the representative from Members' Services had retired with the Committee to draft their decision. He had given legal advice to the Committee on the provisions of the Local Government (Miscellaneous Provisions) Act 1982, the Human Rights Act 1998 and the Licensing Act 2003.

The Committee had made the decision to renew the licence without a condition relating to the outside drinking areas as they did not consider that there was adequate proof to show that these areas caused a problem. The additional condition was imposed to ensure that any noise nuisance from the premises was dealt with.

(The meeting ended at 1.45 pm)