

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held at the Town Hall, Royal Leamington Spa, on Wednesday 9 November 2022, at 10.00am.

**Present:** Councillors Gifford, Jacques and Wright.

**Also Present:** Rob Edwards (Committee Services Officer), Ross Chambers (Council's Solicitor), and Emma Dudgeon (Licensing Enforcement Officer).

## 1. Apologies and Substitutes

There were no apologies for absence made.

## 2. Appointment of Chairman

**Resolved** that Councillor Wright be appointed as Chairman for the hearing.

## 3. Declarations of Interest

There were no declarations of interest made.

## 4. Application for a new Premises Licence under the Licensing Act 2003 for JD Wetherspoon, 18 – 24 The Square, Kenilworth

The Panel considered a report from Health and Community Protection which had received a valid application for a new premises licence for JD Wetherspoon, 18 – 24 The Square, Kenilworth, CV8 1EB. Representations had been received in relation to the application for the consideration of the panel in the determination of the application.

JD Wetherspoon PLC applied for a new premises licence for JD Wetherspoon, 18 – 24 The Square, Kenilworth, CV8 1EB on 15 September 2022. The premises were currently not trading.

The application was for the sale of alcohol for consumption on and off the premises and late-night refreshment. A copy of the relevant part of the application form was attached as appendix 1 to the report.

The Licensing Department initially received comments to the application from Environmental Health, which they followed up by an objection. The comments and objection received from Environmental Health were attached as appendix 2 to the report. The Licensing Department also received an objection from a resident attached as appendix 3 to the report.

Trading Standards made comments in relation to the application, requesting that a Challenge 25 scheme be implemented. However, following the agreement of conditions between the applicant and Warwickshire Police, Trading Standards withdrew its comments. The conditions agreed with Warwickshire Police were attached as appendix 4 to the report.

A plan showing the location of the premises was attached as appendix 5 to the report along with the current plan of the internal layout. Photographs of the premises were attached as appendix 6 to the report.

The Chairman asked Members of the Panel to introduce themselves. The other parties then introduced themselves as:

- Nigel Connor – Legal Director and Company Secretary.
- Rob Browning – Area Manager.
- Debbie Whittingham – Regional Manager.
- Stacey Walsham - Environmental Protection Technical Officer.
- Matthew Shirley - Senior Environmental Health Officer.

The Council's Solicitor announced the procedure for the meeting. At the Chairman's request, the Licensing Enforcement Officer introduced the report.

An addendum was circulated prior to the meeting following further negotiation between the Senior Environmental Health Officer and the applicant. Subsequently, some agreed conditions were circulated to all parties. Warwick District Council Environmental Health officers attended the Panel to confirm if they still had objections to the application. The Licensing Department also received an objection from a resident, attached as appendix 3 to the report, who had also sent further comments following the agreement of these conditions which had also been circulated to all parties.

The Chairman invited the applicants to introduce the application.

- The premises was a two-storey site, and contracts had been exchanged for its purchase, subject to the grant of Planning and Licensing permissions.
- It would be a traditional JD Wetherspoon set up with no music or karaoke, and no regulated entertainment, and would have a heavy emphasis on food. There would be a high number of tables and chairs to accommodate diners, which would not be removed to accommodate drinkers. Children would be welcome until 9:30pm with adult supervision. Such a set up attracted a wide range of clientele to the premises.
- In response to the written objection from the resident, the premises would be food/family orientated so it would not hold a great attraction to those who wanted to cause trouble. Each pub did not operate on a tenanted basis, but managed by a JD Wetherspoon employed manager, with a high number of staff to customer ratio, and with senior members of staff on duty at peak times. The management procedures were tried and tested and there was a clear chain of command up to board level. There was a zero-tolerance approach to poor behaviour and language, and JD Wetherspoon worked closely with Police and Licensing authorities so that any concerns could be dealt with quickly. JD Wetherspools also participated in Pub Watch. Outside areas would be monitored by staff, who regularly brought drinks and food outside. No music would be played which would help allay residents' fears of noise. The majority of trade was led by food which stopped a high volume of customers at late times. On peak nights, risk assessments were carried out to decide whether door staff were needed. In terms of litter, there was a commitment to checking the immediate vicinity after closing, and tidy away where necessary.
- There was a provision for a residents' meeting, where local residents would be invited to come within 4-6 weeks of opening to meet the manager and take a look round the premises, to ensure they were aware

of exactly who and where they needed to go to if there were any problems to resolve. If issues were not solved, the manager could escalate matters up to head office to help if necessary.

The Environmental Health officer advised Members that nine additional conditions were agreed with the applicant the day before the meeting, as below:

- *There shall be no use of the rear external garden area by customers between the hours of 2100 and 0800 on any day.*
- *Patrons permitted to temporarily leave the curtilage of the premises and then re-enter, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. This requirement shall not apply to customers using any external terrace area within the demise of the premises or any external area operated under a pavement licence or similar under the direct control of the premises licence holder.*
- *The premises licence holder (or his/her nominees) shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are sufficiently monitored by staff to ensure that there is no public nuisance or obstruction of the public highway.*
- *All external doors and windows at the rear of the property shall be kept closed between 21:00 and 08:00 hours daily, except for the immediate access and egress of persons or in the event of an emergency. After 23:00, all external doors and windows at the property shall be kept closed until 08:00 hours the following day, except for the immediate access and egress of persons or in the event of an emergency.*
- *The licence holder (or his/her nominees) shall ensure that any customers leaving the premises that are identified by staff as making noise likely to cause disturbance to local residents are asked to be quiet and to leave the immediate area as quickly as possible.*
- *No speakers for amplification of voice or music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.*
- *Prominent, clear, and legible notices shall be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.*
- *Clear and legible notices shall be prominently displayed in any external seating areas requesting patrons to respect the needs of local residents and to use the area quietly.*
- *No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 21:00 hours and 08:00 hours on the following day.*

The Environmental Health Officer therefore advised the Panel that Environmental Health had withdrawn its objection. Mr Connor thanked them for their cooperation.

In response to questions from the Panel, the applicants advised that:

- All staff got training commensurate with their responsibilities, and all were aware of the need to identify customers causing problems. It was the managers' primary responsibility, but other staff would alert management to problems and remain vigilant.
- The boundary of the beer garden was a relatively high wall, with an emergency exit only, so there would be no entrance for customers through the rear.
- There would not be a drinking area upstairs, just access to the toilets.
- Risk assessments on the need for door staff took place constantly and were based on local events/sporting events for example, but took place regularly throughout the year with a forward planning process.

The Licensing Enforcement Officer clarified that there was not a Pub Watch in Kenilworth, but some pubs had shared details in the past between them to enable real time communication. The applicants were keen to explore trying to set up a Pub Watch or a process of sharing contact details among some of the other pubs in the vicinity.

When given the opportunity to make any further statements, the applicants had no further comments.

At 11.05am, the Chairman asked all parties other than the Panel, the Council's Legal Advisor, and the Committee Services Officer to leave the meeting, in order to enable the Panel to deliberate in private and reach its decision. The decision would be communicated in writing via email to the applicant and interested parties later on the same day, followed by a written notice with a full decision within seven days.

**Resolved** that the application be **granted**.

In making their decision the Panel considered all the information provided in advance of, and at, the Hearing and the statutory guidance and the Council's Statement of Licensing Policy.

The Panel considered the potential impact on the licensing objectives and in particular public nuisance. The Panel noted that the Applicant had agreed conditions with Warwickshire Police and Environmental Health and that there were no remaining objections from responsible authorities.

The Panel expect that the measures agreed to ensure customers leave the premises quietly continue in the long term and that the Applicant will be proactive in joining or creating a local Pubwatch scheme.

The Panel therefore determined that it is appropriate for the promotion of the licensing objectives to grant the application for a premises licence at JD Wetherspoon, 18-24 The Square, Kenilworth as set out below:

Sale of Alcohol for Consumption On and Off the Premises

Sunday to Thursday from 08:00 to 23:00

Friday to Saturday from 08:00 to 00:00

Late night refreshment (Indoors only)

Friday to Saturday from 23:00 to 00:00

As part of the decision to grant the application, the Panel determined that the following conditions should be applied to the premises licence to promote the licensing objectives:

1. The conditions set out in the operating schedule at Appendix 1 of the Report, amended as indicated;
2. The conditions set out at Appendix 4 of the Report, subject to an amended door staff condition as follows:

*The premises to use door staff as appropriate and at necessary times based on regular operational risk assessments and all door staff employed to start no later than 21:00. The premises supervisor will continue to liaise with Police in respect of door staff requirements and consider their views in the formulation of any risk assessment.*

3. The conditions agreed between the Applicant and Environmental Health as follows:

- There shall be no use of the rear external garden area by customers between the hours of 2100 and 0800 on any day;
- Patrons permitted to temporarily leave the curtilage of the premises and then re-enter, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. This requirement shall not apply to customers using any external terrace area within the demise of the premises or any external area operated under a pavement licence or similar under the direct control of the premises licence holder.
- The premises licence holder (or his/her nominees) shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are sufficiently monitored by staff to ensure that there is no public nuisance or obstruction of the public highway.
- All external doors and windows at the rear of the property shall be kept closed between 21:00 and 08:00 hours daily, except for the immediate access and egress of persons or in the event of an emergency. After 23:00, all external doors and windows at the property shall be kept closed until 08:00 hours the following day, except for the immediate access and egress of persons or in the event of

an emergency.

- The licence holder (or his/her nominees) shall ensure that any customers leaving the premises that are identified by staff as making noise likely to cause disturbance to local residents are asked to be quiet and to leave the immediate area as quickly as possible.
- No speakers for amplification of voice or music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
- Prominent, clear, and legible notices shall be displayed at all exits requesting that customers respect the needs of local residents and to leave the premises and area quietly.
- Clear and legible notices shall be prominently displayed in any external seating areas requesting patrons to respect the needs of local residents and to use the area quietly.
- No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 21:00 hours and 08:00 hours on the following day.

The Applicant or any person who has made representations may appeal against the decision of the Panel to the Magistrate's Court within 21 days of issue of formal notification of the decision.

(The meeting ended at 11.30am)

CHAIRMAN  
20 February 2023