

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 23 June 2011, at the Town Hall, Royal Leamington Spa at 10.00 am.

PANEL MEMBERS: Councillors Mrs Bromley, Gill and Vincett

ALSO PRESENT: Lisa Arben (Council's Solicitor), David Davies (Licensing Manager) and Amy Jobling (Committee Services Officer).

1. **APPOINTMENT OF CHAIRMAN**

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

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE BUNCH OF GRAPES, 34 VINE LANE, WARWICK**

A report from Community Protection was submitted which sought a decision on a review of an existing premises licence at The Bunch of Grapes, 34 Vine Lane, Warwick.

The Chairman introduced the members of the Panel and the officers present and then asked all other parties to introduce themselves.

Mr Terry Constable was present, representing the licence holder and Mr Walaiti Rathore who was their legal advisor.

Mr Chris Davies and Mr Peter Lawson represented Environmental Health, the responsible authority which had requested the review of the licence.

The Council's Solicitor read out the procedure that would be followed at the meeting.

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.

The report from Community Protection which was submitted to the Panel advised of the current permissions on the licence:

Sale of Alcohol for Consumption On and Off the Premises

*Monday to Thursday from 11:00 to 23:00
Friday and Saturday from 11:00 to 00:00
Sunday from 11:00 to 23:00*

LICENSING PANEL HEARING MINUTES (Continued)

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Live Music limited to two performers; Recorded Music; Provision of facilities for dancing and music; Other activities of a similar description to that of making music and dancing(All Indoors only)

Everyday from 11:00 to 23:00 (Karaoke limited to once per week)

The opening hours of the premises

Monday to Thursday from 11:00 to 23:30

Friday and Saturday from 11:00 to 00:30

Sunday from 11:00 to 23:30

The conditions attached to the premises licence were:

1. An occupancy limit of 60 due to the limited exit routes/doors.
2. The outside of the premises to be clear of people by 23:00 and doors and windows kept shut after that time.

The Council's Licensing Policy Statement provided that the authority would take an objective view on all applications and would seek to attach appropriate and proportionate conditions to licences, where necessary, in order to ensure compliance with the four licensing objectives. Each application would be judged on its individual merits.

Environmental Health had requested a review due to a long history of noise complaints about the premises. The detailed grounds for review were documented in appendix 1 of the report and surmised that the premises were structurally inadequate to contain entertainment noise. The officers therefore recommended that Regulated Entertainment be removed from the premises licence.

Mr Lawson addressed the panel and advised that following discussions prior to the start of the hearing, the licence holder had agreed to remove the permission to hold karaoke at the premises to avoid losing the regulated entertainment permission altogether. Although, Mr Lawson stated that this was not a complete solution, he felt that it would help the issues that nearby residents had been experiencing.

Mr Rathore advised members that a compromise had been agreed and apologized that the existing operators had not always fully communicated the correct procedure in the past. He assured the Panel that measures would be taken to reduce the amount of noise escaping and wanted to work with officers to resolve the problems.

Mr Lawson stated that subject to conditions being agreed regarding the removal of karaoke from the licence and provided that satisfactory sound insulation was provided at all times when regulated entertainment was provided, the Environmental Services Department would be happy to withdraw their representation.

LICENSING PANEL HEARING MINUTES (Continued)

In response to questions from the panel Mr Lawson confirmed that he was satisfied that the sound insulation may or may not be permanently fixed in place, as long as it was always in place when regulated entertainment was provided.

The licence holder representative, his legal representative, the Licensing Services Manager and the Environmental Health Officers then left the room whilst the Panel deliberated their decision.

The Panel had regard to Warwick District Council's Licensing Policy Statement, Home Office Guidance issued under Section 182 of the Licensing Act 2003, the application for a review of a premise licence and witness statement of Chris Davis and heard from Mr Peter Lawson and Mr Walaiti Rathore. In addition, they had regard to the agreement of the parties with regards the modification of the conditions.

The Panel read the application for review and it was clear that karaoke was the main cause for complaint of public nuisance. Therefore, the removal of karaoke from what was permitted at the premise should remove this complaint.

In addition, Members felt that other noise emitting from the premise also causes a public nuisance and was content that the condition relating to sound insulation being provided at all times when regulated entertainment was provided, should remove this complaint.

The Panel considered these conditions appropriate and proportionate to the licence to ensure compliance with the four licensing objectives, in particular the prevention of public nuisance.

Having heard the representations from all parties, and having considered all the information available to them, the Panel

RESOLVED that

- (1) the licence be amended to remove the wording "(karaoke limited to once per week)"; and
- (2) conditions be added to the licence as follows:
 - No karaoke shall be permitted on the premises at any time; and
 - At all times when regulated entertainment is provided, sound insulation to the satisfaction of the Environmental Health Officer, must be in place.

All parties were invited back into the room, informed of the decision and reminded of their right of appeal within 21 days of formal notification of this decision.

(The meeting finished at 11.10 am)