

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 7 October 2010, at the Town Hall, Royal Leamington Spa at 10.00am

**PANEL MEMBERS:** Councillors Coker, Mrs Gallagher and Pratt.

**ALSO PRESENT:** John Gregory (Council's Solicitor), David Davies (Licensing Services Manager), Jayne Bailey (Licensing Enforcement Officer) and Emma Millward (Committee Services Officer).

## 1. APPOINTMENT OF CHAIRMAN

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

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. APPLICATION FOR UNDER THE LICENSING ACT 2003 FOR A PREMISES LICENCE FOR THE AMARA, 7 COURT STREET, ROYAL LEAMINGTON SPA

The Panel considered a report from Community Protection which sought a decision on an application for a premises licence for Amara, 7 Court Street, Royal Leamington Spa.

The Chairman introduced the members of the Panel and other officers present and then asked those present to introduce themselves. They were the applicants, Miss Natalie Beejadhur and Amrit Sidhu and their representative Suzanne Oatley from Wright Hassall Solicitors. There were also two interested parties present, Maxine Nichol and Elizabeth Morris who both worked for the Leamington Substance Misuse Service and were objecting to the application.

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

The Licensing Services Manager outlined the report. 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 set out the application as follows:

<b>Activity</b>	<b>Hours</b>
The sale of alcohol, plays, films, live and recorded music, performance of dance, anything similar to Music and Dance, the	Monday to Thursday- 18:00 to 03:00 Friday and Saturday- 18:00 to 04:00 Sunday - 12:00 to 03:00

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

Provision of facilities for Making Music, Dancing and anything similar (all indoors)	
Late Night Refreshment (Indoors)	Monday to Thursday - 23:00 to 03:00 Friday and Saturday - 23:00 to 04:00 Sunday - 23:00 to 03:00

The opening hours were shown as:

18:00 to 03:00 Monday to Thursday  
18:00 to 04:00 Friday and Saturday  
12:00 to 03:00 Sunday

All the above would be extended to 18:00 to 04:00 on all Bank Holidays and New Year's Eve.

An operating schedule, which would form part of any licence issued was also submitted which explained the steps the applicant proposed to take to promote the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children.

Representation against the application had been received from several interested parties. The Licensing Services Manager informed the Panel that an interested party who had objected to the application had withdrawn their objection, after the agenda had been printed.

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.

The applicant's representative, Suzanne Oatley, outlined their application explaining that the premises already had a licence and that this was a new application. She went on to say that the applicant had already agreed conditions with Warwickshire Police and the department responsible for the protection of children at Warwickshire County Council. She informed the panel that the applicants would be spending money on refurbishment to reach a high standard that would primarily be a venue for corporate customers and pre-booked parties with a high entrance fee. The premises also wanted to hold comedy, themed and lap dancing nights.

The applicant answered questions from the Panel and interested parties explaining that:

- lap dancing would only be provided when it had been requested by the client and so they did not intend for this to take place every week
- there would be table service inside the premises, a guest list would be in operation and that the opening hours were as such to enable corporate events to take place including presentations and awards ceremonies; and

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

- door staff would be provided on nights other than Friday and Saturdays, if necessary, once a risk assessment had been carried out by the DPS.

The Chairman asked the interested parties, Maxine Nichol and Elizabeth Morris, to outline their objection and explained that the Panel and applicant would be permitted to ask questions of the interested party afterwards

Maxine Nichol expressed her concerns to the Panel regarding people entering and leaving the premises who may cause a nuisance to people, who were sometimes vulnerable, that used their service. She also explained that when their service opened later on some evenings children were present and this premises could cause a risk.

The interested parties answered questions from the Panel confirming that door staff being used at all times when open would give people that use their service more protection but that opening later in the evening could also decrease this risk.

The applicants representative summed up their application reiterating the points previously made. They also explained that if the licence was granted they would have to apply for the new Sex Establishment Licence when this came into force and asked the panel to grant the licence

The Chairman asked the applicant, the interested parties and the Licensing Officers, to leave the room at 10.40am to enable the Panel to deliberate and reach its decision.

In taking their decision the Panel paid due consideration to the relevant legislation and guidance, application and the representations made about it.

After hearing representations from the applicant and the interested parties and considering the written representations, the Panel felt that all the objections raised had been satisfactorily addressed by the conditions in the operating schedule.

Consequently, they were of the view that granting the application would be unlikely to have an adverse effect on the four Licensing Objectives. Therefore, the panel granted the licence as applied for with subject to the operating schedule of the application and the conditions agreed between the applicant and responsible authorities.

**RESOLVED** that the licence be granted with the inclusion of the following conditions:

- (1) No persons under the age of 18 shall have access to any publicity on or in the premises relating to entertainment that is racist or obscene or contains nudity and that no such person shall have access to such entertainment;
- (2) all door supervisors to be SIA registered and badged;

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

- (3) door supervisors to be on duty every Friday and Saturday from 21:00 hours until close, and on duty on every occasion where erotic dancing/adult entertainment is to take place no later than 30 minutes before the entertainment starts;
- (4) at least one door supervisor to be on duty on every occasion where erotic dancing/adult entertainment is taking place, which is an addition to the required door supervisors controlling the entrance/exit;
- (5) DPS must make a professional risk assessment at any other time not covered by the conditions when premises are open as to whether to employ door supervisors;
- (6) CCTV complying with the British Standard BS7958 to be installed and operated with live time recording to cover all areas of the licensed premises excluding toilets. With all recordings to be preserved for 31 days commencing from the time of such recordings;
- (7) if booths are used, all will be fitted with panic buttons for the protection of performers;
- (8) no off sales shall take place after 23:00 hours;
- (9) membership of Pubwatch and Retail Radio, conforming with both policies;
- (10) responsible management at all times;
- (11) zero tolerance to drunken or anti-social behaviour;
- (12) regular visits to all parts of the premises;
- (13) management and staff voluntarily follow best practice, e.g. control of noise from pubs and clubs. Staff trained to ensure quiet departure of patrons;
- (14) out of hours deliveries be monitored;
- (15) all windows and doors kept closed after 23:00 hours except for access and egress when regulated entertainment is provided;
- (16) noise levels arising from regulated entertainment shall not be intrusive when measured one metre away from the facade of noise sensitive premises

**LICENSING PANEL HEARING MINUTES (Continued)**

and shall not be audible within adjoining or other residential premises within the area;

- (17) provision of sufficient staff to protect children from harm, with training on appropriate behaviour;
- (18) no material to be displayed externally and visible to the general public of an adult nature; and
- (19) no adult entertainment to be visible from outside the premises.

All parties were reminded that they had 21 days from the date of this decision to appeal to the magistrate's court.

(The meeting finished at 10.55am)