

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel meeting held on Wednesday 8 July 2015, at the Town Hall, Royal Leamington Spa at 10.00 am.

Present: Councillors Davies, Gifford and Mrs Redford

Also Present: Caroline Gutteridge (Council's Solicitor), Amy Carnall (Committee Services Officer) and Emma Dudgeon (Licensing Officer).

1. **Appointment of Chairman**

Resolved that Councillor Gifford be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a premises licence under the Licensing Act 2003 for The Pig and Fiddle, 45 High Street, Royal Leamington Spa**

The Panel considered a report from Community Protection which sought a decision on an application for the Pig & Fiddle, 45 High Street, Royal Leamington Spa.

The Chair, members of the Panel and officers introduced themselves. The other parties then introduced themselves as;

Councillor Mrs Barker, representing the Royal Leamington Spa Town Council; Mr Kulwinder Dhillon, solicitor for the applicant Mr Sodi Deo, and the applicant's son, Mr Harvinder Deo.

The Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it, and the representations made to the meeting, and to determine if the application for a premises licence should be approved and, if so, whether the licence should be subject to any conditions.

Mr Deo had applied for a premises licence on 22 May 2015. Following meetings held between the applicant, Environmental Health and Warwickshire Police, the licensing hours requested had been amended.

The licensable activities being applied for were set out in Appendix 1 to the report and read as follows:

	Supply of alcohol for consumption on the premises	Live Music (Indoors)	Recorded Music (Indoors)	Provision of anything similar to Live Music, Recorded Music or performance of dance (Indoors)	Opening Hours
Sunday to Thursday	10:00 to 00:00	10:00 to 23:30	10:00 to 23:30	10:00 to 23:30	10:00 to 00:30
Friday and Saturday	10:00 to 01:00	10:00 to 23:30	10:00 to 23:30	10:00 to 23:30	10:00 to 01:00
New Year's Eve	10:00 to 02:00	10:00 to 01:00	10:00 to 01:00	10:00 to 01:00	10:00 to 02:30

Representations had been received from Royal Leamington Spa Town Council, Environmental Health and the Police.

Following the agreement of conditions with Environmental Health and the Police, both responsible authorities had withdrawn their representations. The agreed conditions would form part of any licence issued and were detailed in section 3.2 of the report.

The representation from the Town Council centred around the supply of late night alcohol and opening hours to 1:00am. The Town Council felt this would create a public nuisance to local residents and could impact on public safety and crime and disorder. A copy of its objection was attached as Appendix 2 to the report.

Mr Dhillon outlined his client's application and highlighted that conditions had been agreed with Environmental Health and the Police, resulting in the originally applied for opening hours being reduced. In addition, he advised that the applicant had agreed to install CCTV as per the Police request. Mr Dhillon also stated that the applicant felt there were sufficient provisions in place to ensure that the Crime and Disorder objectives were met.

In response to questions from the Panel, the applicant's son, Mr Harvinder Deo described the size of the outside garden area and explained that there was an exit route from the garden, through a gate. He assured the Panel that no more than ten people would be allowed in the garden after 23:00 and this would be solely for smoking purposes.

Mr Deo also explained that staffing numbers would be sufficient, including door supervisors at busy times and stated that a risk assessment would be undertaken daily.

Councillor Gifford asked the applicant what previous experience he had of running a licensed premise and Mr Sodi Deo advised that he was currently the premises licence holder at the post office in Kineton.

Following further questions, Mr Sodi Deo advised that no drinks would be allowed outside after 23:00 and there would be no outside music out of respect for neighbours. Mr Dhillon explained that the external music speakers had been removed.

Councillor Mrs Barker asked the applicant about the potential for clientele to re-enter the premises through the gate into the rear garden. Mr Deo advised that it was only possible to open the gate from the inside and could not be accessed from off the premises. There was also a condition allowing no re-entry through the main, front entrance after midnight.

Councillor Mrs Barker addressed the Panel and outlined the Town Council's objection which focused on the potential for public disorder and public nuisance. The Town Council was concerned that, due to the location of the premises, the late opening hours could result in an increase in noise issues for neighbouring properties. Councillor Mrs Barker described the area as densely residential and she referred to sections of the Statement of Licensing Policy which dealt with the prevention of public nuisance.

In essence, the Town Council felt that the hours applied for were satisfactory, apart from those relating to Friday and Saturday. Ideally, it would have liked to see the sale of alcohol end half an hour before the premises closed.

Mr Dhillon was given the opportunity to sum up on behalf of the applicant and he referred to the previous, similar opening hours of the premises. He also reminded the Panel that there had been no objection from neighbouring residents and stated that there was no legal requirement to include "drinking up time". Finally, he felt that with the safeguards detailed in the application, which went "above and beyond" other local premises, there would be no impact on local residents.

At 10.28 am the Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer, to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

At 11.15 am all parties were invited back into the room, at which time the Chairman advised that the Panel had listened to the applicant and the Town Council and considered the statutory guidance and the Warwick District Council statement of licensing policy. The Panel

Resolved to grant the licence for the following activities and hours and subject to the applicant's operating schedule, as detailed in the report:

	Supply of alcohol for consumption on the premises	Live Music (Indoors)	Recorded Music (Indoors)	Provision of anything similar to Live Music, Recorded Music or performance of dance (Indoors)	Opening Hours
Sunday to Thursday	10:00 to 00:00	10:00 to 23:30	10:00 to 23:30	10:00 to 23:30	10:00 to 00:30
Friday and Saturday	10:00 to 01:00	10:00 to 23:30	10:00 to 23:30	10:00 to 23:30	10:00 to 01:00
New Year's Eve	10:00 to 02:00	10:00 to 01:00	10:00 to 01:00	10:00 to 01:00	10:00 to 02:30

The Panel had listened to the applicant and the representations made on behalf of the Town Council. The Panel had also taken into account the statutory guidance and Warwick District Council's statement of Licensing Policy.

The Panel noted that the Town Council's primary objection was to the hours at which the premises would open and serve alcohol to, particularly on a Friday and Saturday, and felt this should be further restricted. The Town Council had concerns about the noise and disturbance that could be caused to local residents into the early hours of the morning by people leaving the premises.

The Panel had carefully considered whether the hours applied for could adversely impact on the prevention of crime and disorder and public nuisance. It was accepted that the premises were in residential area. The Panel did, however, note that Environmental Health and the Police had not objected to the application and it had not heard any evidence of crime and disorder or public nuisance at either the premises or in the immediate locality. There had been no representations by local residents.

The Panel also noted that the applicant had discussed the application with the Police and Environmental Health and taken their advice on board in the form of the agreed conditions.

The Panel emphasised that it expected the applicant to ensure that all of the licence conditions were strictly adhered to and that problems or complaints were properly and immediately addressed. The Panel reminded all parties that if activities at the premises undermined the licensing objectives then the licence could be subject to a formal review.

The applicant was advised that there was a right of appeal to the Magistrates Court within 21 days of written notification and a full written decision would be published in due course.

(The meeting ended at 11:18 am)