

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 4 October 2012, at the Town Hall, Royal Leamington Spa at 2.00pm.

PANEL MEMBERS: Councillors Gill, Mrs Knight and Illingworth.

ALSO PRESENT: David Davies (Licensing Services Manager), Graham Leach (Civic & Committee Services Manager), and John Gregory (Council's Solicitor).

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Mrs Knight be appointed as Chair for the hearing.

The Chair introduced herself, other members of the Panel and Officers, and asked the other parties to introduce themselves. Present was Sergeant P Calver (Warwickshire Police), Mr P Lawson (Environmental Health), Ms R Pomeroy (Manager of the Assembly), Mr N Dowling (Owner of the Assembly) and Mr I Besant (Applicants representative).

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE ASSEMBLY, SPENCER STREET, ROYAL LEAMINGTON SPA.

A report from Community Protection was submitted which sought a decision on an application by.

The Council's Solicitor ran through the procedure which the hearing would follow.

The Licensing Services Manager 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. 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, presented an application to permit the following

Sale of Alcohol (indoors only)

| | |
|---------------------|----------------|
| Sunday to Thursday | 09:00 to 00:00 |
| Friday and Saturday | 09:00 to 01:00 |

Sale of Alcohol (off sales)

| | |
|---------------------|----------------|
| Sunday to Thursday | 09:00 to 23:00 |
| Friday and Saturday | 09:00 to 23:00 |

LICENSING PANEL HEARING MINUTES (Continued)

Live Music, Recorded Music, Anything Similar to the Previous Groups and the provision of the facility for making music (all indoors)

Seven days a week from 12:00 to 23:00

Live music (outdoors)

Once per calendar month from 12:00 to 21:00

Films and Indoor Sporting Events

Seven days a week from 10:00 to 23:00

All of the above extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

Opening Hours

| | |
|---------------------|----------------|
| Sunday to Thursday | 09:00 to 00:30 |
| Friday and Saturday | 09:00 to 01:30 |

Opening hours and the sale of alcohol (indoors only) extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day and an additional hour on the morning that British Summertime begins.

An operating schedule, which would form part of any licence issued, was also submitted to the Panel. The operating schedule explained 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.

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.

All parties present confirmed their satisfaction with the content of the report.

The applicants representative outlined the application explaining that the main aim of the application was to encourage people to stay in the premises rather than move to other premises at the conclusion of live events. If the patrons moved to other premises it would increase disturbance within the town because it would add an extra journey between venues for patrons before they went home.

In response to questions from the Panel he explained that they had spoken with the current customers about this matter and they had expressed a desire to stay in the premises longer, however at present around 400 out of a maximum 1000 moved to other venues after live events or when the premises closed at 1.30. The positive for this venue was that it was well managed and it had a taxi rank directly outside. It was also explained that off sales should not be included in the application and they would be grateful if this could be considered as withdrawn.

LICENSING PANEL HEARING MINUTES (Continued)

Sergeant Calver, Warwickshire Police, outlined their representation emphasising that the premises was within the Cumulative Impact Zone of Royal Leamington Spa and that it was necessary for the applicant to satisfy your concerns as Panel a that this would not impact/increase problems in the area. He explained that while there were twenty incidents logged against the premises in the last 13 months only two directly related to problems with the premises.

In response to questions from the Panel he explained that in his opinion the longer hours probably could subtract from any potential for problems in the area although that would depend on clientele and age groups, as well the event.

Mr Lawson, Environmental Health, explained that it was their view that the application would not guarantee that would delay people leaving the venue and could well lead to a bigger number exiting later in the morning. This was a residential area where problems were reported to Environmental Health. Although no premises identified, by either complainants or by Environmental Health, overall they were looking at reducing this impact on local residents and which would be increased by this application as people would be leaving later in the morning which would increase the disturbance to local residents until this time.

In response to questions from the Panel Mr Lawson explained that in the last 12 months there had been 6 or 8 complaints, none of which were directly attributed to the premises and all related to people hanging around the area and being noisy.

The Chairman asked the applicants representative to sum up the application. He explained that there had been a minimal number of objections and even these raised very few issues about the premises which it was expected had excellent management. He suggested that if all premises in Leamington only had two incidents a year attributed to it everyone would be delighted. In the applicants opinion they believed a new licence would assist the Police and reduce the impact on the Cumulative Impact Zone.

The Chairman thanked those present for their representations and asked all parties to leave the room (excluding their Solicitor and Committee Officer) while the Panel determined the application.

Having considered the application, representations from the applicant, and the responsible authorities (Warwickshire Police & Environmental Health) the panel are of the opinion that the application should be Granted.

This is because:

- (1) There are currently no issues regarding the management or operation of the premises
- (2) The cumulative impact Zone places the onus of proof on the applicant to demonstrate that the premises will not have an impact on the Licensing Objectives. Whilst this is a new licence application, the premises is already operating and the panel has heard that there have been no significant issues with public nuisance or crime and disorder.

LICENSING PANEL HEARING MINUTES (Continued)

The extension of hours is a limited one, and the effect may well be to reduce the impact in the local area by preventing people leaving this premises to go elsewhere. This was confirmed by the Police representative.

- (3) It is considered that the existing conditions and operating schedule for the premises met the requirements for ensuring that there would not be an increased impact on the cumulative impact zone.

Therefore it was, proposed duly seconded and

RESOLVED that the application be granted subject to:

- (1) All conditions from the current licence be included in the new licence;
- (2) The Sale of Alcohol on the premises 10:00 to 00:00 Sunday to Wednesday; 10:00 to 02:00 Thursday; and 10:00 to 03:00 Friday and Saturday;
- (3) Plays, films, Indoor Sporting events, boxing or wrestling, live music and recorded music (all indoors only), 10:00 to 00:00 seven days a week;
- (4) Performance of dance 10:00 to 23:00 seven days a week;
- (5) Late night refreshment 23:00 to 00:00; and
- (6) The opening hours be shown Sunday 10:00 to 00:00; Monday to Wednesday 10:00 to 01:00; Thursday 10:00 to 02:30; and Friday and Saturday 10:00 to 03:30.

The panel noted and welcomed that the application for sale of alcohol off the premises was withdrawn by the applicant.

All parties were invited back in to the room so they could be informed of the decision, which was read out by the Council's solicitor, and reminded of their right to appeal the decision to the magistrates court within 21 days of the decision notice.

(The meeting finished at 2.58 pm)