



Licensing Panel
27th May 2010

Agenda Item No. 3

Title	Application for a variation under the Licensing Act 2003 for a premises licence Alderson House, 23 High Street, Warwick
For further information about this report please contact	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk
Service Area	Community Protection
Wards of the District directly affected	None
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No
Date and meeting when issue was last considered and relevant minute number	N/A
Background Papers	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	29/04/2010	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance	29/04/2010	Andy Crump
Portfolio Holder(s)	29/04/2010	Councillor Kirton
Consultation Undertaken		
N/A		
Final Decision?	Yes	

1. **SUMMARY**

1.1 Under the provisions of the Licensing Act 2003 a premises that wishes to sell alcohol and provide regulated entertainment must hold a premises licence.

2. **RECOMMENDATION**

2.1 Members are asked to consider the information contained in this report, and decide whether the application for a variation of the premises licence for Alderson House should be approved, and, if so, whether it should be subject to any conditions.

3. **REASONS FOR THE RECOMMENDATION**

3.1 Mr Roger James Wyatt and Mr Geoffrey Andrew Beavan applied to convert the existing Justices Licences for Alderson House in July 2005 to a premises licence under the Licensing Act 2003 (LA 2003). The police were the only authority permitted to object to this conversion on the grounds of crime and disorder. No such objection was received, and the licence was granted to commence at the commencement of the LA2003 on 24th November 2005. This licence remains current to date.

3.2 Messrs Wyatt and Beavan applied on 29th March 2010 to vary the premises licence as follows:

Current Licence

	Alcohol	Opening Hours
Monday	10:00 - 23:00	10:00 - 23:20
Tuesday	10:00 - 23:00	10:00 - 23:20
Wednesday	10:00 - 23:00	10:00 - 23:20
Thursday	10:00 - 23:00	10:00 - 23:20
Friday	10:00 - 23:00	10:00 - 23:20
Saturday	10:00 - 23:00	10:00 - 23:20
Sunday	12:00 - 22:30	12:00 - 22:20

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

Variation hours applied for (changes/additions shaded)

	Alcohol	Entertainment*	Opening Hours
Monday	10:00 - 23:00	11:00 - 01:00	11:00 - 01:00
Tuesday	10:00 - 23:00	11:00 - 01:00	11:00 - 01:00
Wednesday	10:00 - 23:00	11:00 - 01:00	11:00 - 01:00
Thursday	10:00 - 23:00	11:00 - 01:00	11:00 - 01:00
Friday	10:00 - 23:00	11:00 - 01:00	11:00 - 01:00
Saturday	10:00 - 23:00	11:00 - 01:00	11:00 - 01:00
Sunday	12:00 - 22:30	11:00 - 01:00	11:00 - 01:00

*Live and recorded music, providing facilities for making music and dancing (all indoors)

3.3 An operating schedule which will form part of any variation licence issued has been submitted as follows:

General

The premises is the property of a private members company, the members of which are accepted by their adherence to the laws of the land in every respect. Only similarly responsible organisations and individuals will be allowed to hire the facilities.

The Prevention of Crime and Disorder

There is a resident steward. Only responsible hirers allowed. Anyone causing disorder will be asked to leave.

Public Safety

There is a Health and Safety Policy which considers persons resorting to the premises together with persons in the vicinity.

The Prevention of Public Nuisance

Noise levels from recorded and live music will be kept at a level not to constitute a statutory nuisance. The need for quiet exit from the premises will be enforced.

The Protection of Children from Harm

No children are normally admitted. Those attending parties will be in the care of their parents and will not be exposed to anything likely to cause harm.

3.4 Representations have been received from Environmental Health (Appendix 1) and several interested parties (Appendices 2 to 16)

3.5 Internal plans of the premises are shown as appendices 17 and 18

3.6 A map of the area of the premises is shown in appendix 19

3.7 When considering the application the panel must give appropriate weight to:-

- a) The representations received.
- b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- c) The Council's Licensing Policy Statement (Appendix 20).
- d) The Licensing Objectives, which are:-
 - i) The Prevention of Crime and Disorder.
 - ii) Public Safety.
 - iii) The Prevention of Public Nuisance.
 - iv) The Protection of Children from Harm.

However, the Panel should only consider those licensing objectives which have been referred to in the representations received.

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

3.9 Details of the procedure adopted by the Licensing Committee for Panel Hearings has been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

4. **ALTERNATIVE OPTION CONSIDERED**

4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

6. **POLICY FRAMEWORK**

6.1 None

7. **BACKGROUND**

7.1 None.



WARWICK DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE
AUTHORITIES

Responsible Authority – Environmental Services, PO Box 2176,
Riverside House, Milverton Hill,
Leamington Spa CV32 5QF

Your Name	Peter Lawson
Job Title	Senior Environmental Health Officer
Postal and email address	Warwick District Council, PO Box 2176, Leamington Spa CV31 5QF
Contact telephone number	01926 456725

Name of the premises you are making a representation about	Alderson House
Address of the premises you are making a representation about	23 High Street Warwick

Which of the four licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent public nuisance	Y	There is potential for amplified music from the premises to unreasonably affect nearby residents. There are records of incidents of nuisance having been referred to the applicant in the past. The application does not contain sufficient information as to how this nuisance will be prevented.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Any live or recorded music not be audible outside the premises.
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Signed:

Date:

APP 2

David Davies

From: Anne Mellor
Sent: 26 April 2010 16:07
To: Licensing
Subject: Alderson House/Masonic

I wish to register objections to this application for the following reasons.

1 Public Safety

The granting of this licence in such a populated area has grave concerns regarding the evacuation of the building in the event of an incident eg. Fire. Because of the proximity of the building to houses in and around this building it would cause considerable chaos due to the proximity to the people and the other buildings around. The access to this building and others is limited as it is, and I fear that any evacuation of the area would result in some confusion and not enable the emergency services to be able to gain quick access.

2 Prevention of Public Nuisance.

The surrounding houses are all old and do not have the benefit of either Cavity Wall insulation or sound proofing. Residents are already suffering with the noise as these events are becoming more frequent and the people attending the events tend to remain outside at all hours. This is contrary to policy which states that all outside activity should cease after 23.00 and all doors and windows to be closed. The noise levels are such that people are unable to enjoy any quality of life regarding home entertainment i.e. Television or music in their own homes.

I would also like to register to speak on behalf of the residents as their Ward Councillor.

Anne Mellor
Town & District Councillor
Warwick South

APP3

Interested Party Representation (to be read in conjunction with guide notes at end of document)	
Section 1 - Application Details	
I object to the following Application:	
Applicant's name (if known): <p style="text-align: center;">DAVID CORK</p>	
Premises name and address: <p style="text-align: center;">ALDERSON HOUSE, 23 HIGH STREET WARWICK CV34 4AX</p>	
Application for a	Premises Licence..... <input type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing <p style="text-align: center;">WDC PREM 00213</p>	Premises Licence..... <input checked="" type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application Number	

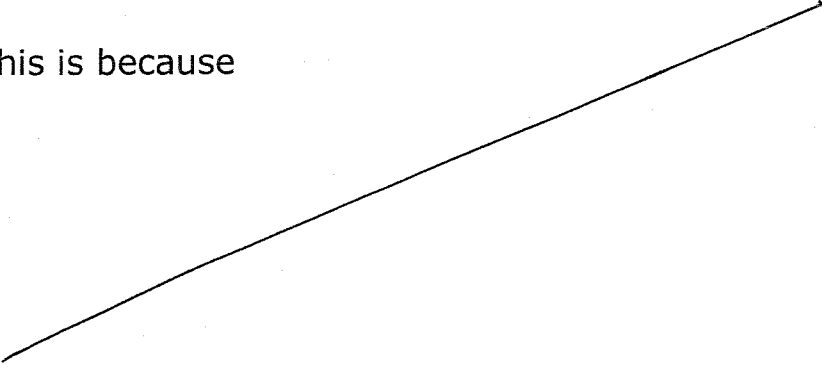
Section 2 - Objector details	
Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	RATCLIFFE
First name(s)	JOHN & ANNE-MARIE
Address (incl postcode): see note 1 <p style="text-align: center;">18 CASTLE LANE WARWICK CV34 4BU.</p>	

D.M.C
21 APR 2010
WARWICK DISTRICT COUNCIL

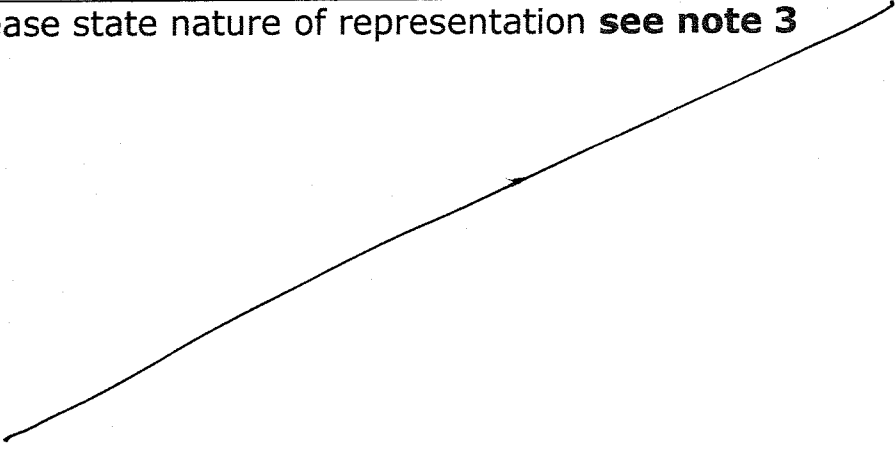
Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because 
--

If you represent residents or businesses in the vicinity please complete the boxes below

Organisation name if applicable	
Please state nature of representation see note 3 	

Section - Objection Details

<p>My objection is relevant to the following licensing objective:</p> <p><i>You can tick more than one box</i></p>	<p><input type="checkbox"/> Prevention of crime and disorder.</p> <p><input checked="" type="checkbox"/> Prevention of public nuisance...</p> <p><input type="checkbox"/> Protection of children from harm.</p> <p><input type="checkbox"/> Public safety</p>
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<input checked="" type="checkbox"/>	<p>I object to the application being granted at all</p> <p>I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)</p>
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<p>Our objection is based on the following:</p> <p>You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.</p> <p>Please attach supporting documents / further pages as necessary - Please number all extra pages see note 2</p> <p><i>We do not believe that the noise levels can be kept to what a normal, responsible person should expect in such a residential area.</i></p> <p><i>The nature of the structure of Alderson House does not allow for noise to be satisfactorily contained within the building. We suspect, but do not know, that there is not any air conditioning in the function room(s) and that is why windows are open during events, especially in the summer.</i></p> <p><i>Previous events, over a number of years, has shown the inability of the management to control noise levels.</i></p> <p><i>* Please also see attached letter.</i></p>
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<p>Signed <u>John Rarcelis</u> <u>AM Patch</u></p> <p>Date <u>19th April 2010</u></p>

18 Castle Lane,
Warwick CV34 4BU

19th April 2010

Ref: Application to vary a premises licence at Alderson House, 23 High Street,
Warwick, CV34 4AX. Premises licence number: WDC PREM 00213

Dear Mr Davis,

In Section I of the Application the Applicant states that the music played will be of a type similar to a choir, string quartet and folk music. If this is the case, especially for the first two categories, then little amplification would be required as the audience would, no doubt, be quietly listening to the performance. The same could apply to a good folk group. So, if this was the case, close all the windows, put in reasonable sound proofing, close the main doors. No problem.

Unfortunately, we believe the statement is somewhat disingenuous. The type of music and sound levels that have emanated from Alderson House in the past have been of quite a different type, often loud and thumpy with, it would appear, little or no concern for the effect it would have on the neighbours. We do not suffer the noise problem on every occasion but on the 19th March we certainly did but, erroneously, we thought it was coming from the Warwick Arms. It was only during the weekend that we were told the source.

We have also experienced the noise problem at first hand when we were invited to a function at Alderson House. The entertainment was a sole singer/guitarist with instrumental sound backup and an amplification system. The sound inside the building was so loud that any level of reasonable conversation became impossible. This may occur because of the nature of the materials used in the structure of the function room not being acoustically viable, for example, wooden floors and panelling. After a short time we went outside and joined 'the smokers' for a quieter life, although it was still pretty loud out there.

Neighbours have put up with this sort of thing for a long time, mainly because it was not a regular occurrence and also because they didn't want to create any bad feelings between them and Alderson House. However, this application appears to change things as they obviously intend to substantially increase the use of their facilities. A look at their, at the moment, unfinished website, confirms this.

As the application states, the members of the private club are good and respectful people, and they only allow such people to use their facilities. The neighbours around Alderson House are of a similar ilk, fair and reasonable, and they would not wish to stop anybody enjoying themselves. But this cannot be at the expense of their right of quiet enjoyment in what is a residential area.

Our view, from past experience, is that the application seeks to mislead in the manner and style of the music to be played, 'choir, string quartets, folk band as examples'. Indeed, it is almost a public confession of indifference to the neighbourhood. And the sound levels within the building itself should also be of concern.

We ask the Committee to reject this Application.

Yours sincerely,

John Ratcliffe. AM Ratcliffe

John and Anne-Marie Ratcliffe

Mr David Davis,
Licensing Members Services,
Warwick District Council,
Milverton Hill,
Leamington Spa CV32 5HZ

APP 4

Tel. 01926 497145

The Old Tap,
Back Lane,
Warwick, CV34 4BZ.

21 April 2010

Ms D. Davis
 Licensing Officer
 Warwick District Council.

Dear Sir,

I wish to appeal against the application by David Cork and Roger Wyatt to vary the licence at Alderson House, 23 High Street Warwick

The entrance to Alderson House is from Back Lane, a quiet residential, and conservation, area. Up to now we have tolerated occasional loud music knowing that the event would end about half past ten and traffic would clear away soon after (this is the same situation for the Castle music events)

These events mean more pressure on car parking, and there is little enough as it is. The small car park at the foot of Back Lane is often used and we hear the noise of departure, slamming car doors and revving engines. This would be intolerable at one o'clock in the morning

The hand written application dated 4 March states on page 2 - "the premises is a private members club", and on page 12 - "the premises is the property of a private members company." These two organisations are not named although one applicant has signed as company secretary.

Presumably the applicants are acting on behalf of the club and company and we should be allowed to know who they are.

The application to play on public course up to one o'clock in the morning, including Sunday is unreasonable and unreasonable in a quiet residential area and should be refused.

Yours faithfully
M.A. Sykes

M.A. SYKES

Application reference no WDC PRE 00213

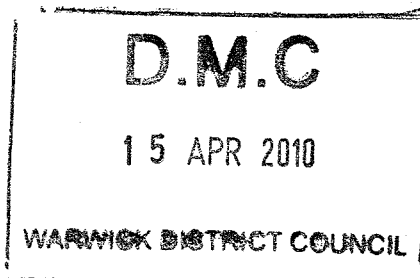
APP 5

27A High Street
Warwick CV34 4AX

Tel: 01926 492587 Email: maggiedickson@talktalk.net

12 April 2010

Licensing Authority Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ



Dear Sirs,

Re: Variation of Licence for Alderson House, High Street, Warwick

I wish to express my objection to the licence application for the provision of live music seven nights per week. Despite being in the town centre this area of Warwick is a mainly residential area and one that is not suitable for nightly live entertainment. The implications of the general noise levels and especially at 1.00am when people are leaving would impinge far too much on the nearby residents, not to mention the effects the growth of cars adding to the already over-stretched parking facilities in the area.

I believe there have already been complaints about the excessive volume of music and I trust the Licensing Authority will take all these matters into consideration and reject this application. Warwick is an historic town and this is a conservation and residential area and I hope it is kept this way.

Yours faithfully,

M A Dickson

APP 36

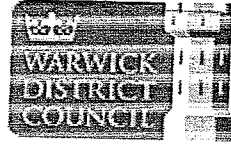
D.M.C

14 APR 2010

Interested Party Representation

(to be read in conjunction with guide notes at end of document)

WARWICK DISTRICT COUNCIL



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):

RUSPER WYATT, & SAVIA CORK

Premises name and address:

ALGERSON HOUSE 23 HIGH STREET
WARWICK. CV34 4AX

Application for a

Premises Licence.....

Club Premises Certificate.....

Application to vary an existing

Premises Licence.....

Club Premises Certificate.....

Application Number WDC PREM 00213

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title Mr Mrs Miss Other

Surname STAIR

First name(s) NEIL

Address (incl postcode): see note 1

6. BACK LANE,
WARWICK. CV34 4BZ

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because <i>N/A</i>

If you represent residents or businesses in the vicinity please complete the boxes below

Organisation name if applicable	<i>N/A.</i>
Please state nature of representation see note 3	

My objection is relevant to the following licensing objective:

You can tick more than one box

- Prevention of crime and disorder.
- Prevention of public nuisance...
- Protection of children from harm.
- Public safety

I object to the application being granted at all

I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.


Please attach supporting documents / further pages as necessary - Please number all extra pages **see note 2**

THIS IS A HIGHLY RESIDENTIAL AREA WHICH IS ALREADY SUFFERING UNABLE DISTURBANCE. THE PROPOSAL TO ALLOW MUSIC AND ENTERTAINMENT - LIVE PERFORMERS OR WHATEVER IS UNACCEPTABLE. EVEN THE CELEBRATED ZETLAND ARMS HAS NO LICENCE FOR LIVE MUSIC AND ONLY A VERY LIMITED PERMISSION FOR RECORDED FACILITIES. AS FOR "LIVE MUSIC WILL BE KEPT AT A LEVEL NOT CONSTITUTE A STATUTORY NUISANCE" AND "QUIET BIT WILL BE ENFORCED" - ALL IMPOSSIBLE. BOEP ALGERSON HOUSE INTEND TO APPLY TO LOCAL PLANNING TO HAVE MUSIC GLAZING FILTERS AND OTHER SOUND PROOFING INSTALLED? EQUALLY A REQUEST FOR ANY SUCH VARIATION FROM 11.00AM - 11.00AM SEVEN DAYS A WEEK SEEMS AN ABSOLUTE COMPLETE KIDNEY FOR THE TOWN AND WELL-BEING OF ALL NEIGHBOURING RESIDENTS. IT IS HARD TO UNDERSTAND THE LACK OF ANY SENSE OF RESPONSIBILITY OR REGARD FOR THE COMMUNITY IN THIS PROPOSAL.

Signed [Signature]

Date APR 12TH 2010

APP 7

Interested Party Representation (to be read in conjunction with guide notes at end of document)	
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Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):
 DAVID CORK / ROGER WYATT

Premises name and address:
 ALDERSON HOUSE, 23 HIGH STREET,
 WARWICK CV34 4AX

Application for a	Premises Licence..... <input type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing WDC PREM 00213	Premises Licence..... <input checked="" type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application Number	

Section 2 - Objector details

Individual Objectors Details:
If you are objecting as a representative go to the next section

Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	PENROSE
First name(s)	GERALD AND MANUELA
Address (incl postcode): see note 1	
10 BACK LANE WARWICK CV34 4BZ	

D.M.C

14 APR 2010

WARWICK DISTRICT COUNCIL

<p>My objection is relevant to the following licensing objective:</p> <p><i>You can tick more than one box</i></p>	<input type="checkbox"/> Prevention of crime and disorder. <input checked="" type="checkbox"/> Prevention of public nuisance... <input type="checkbox"/> Protection of children from harm. <input type="checkbox"/> Public safety
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<input checked="" type="checkbox"/>	<p>I object to the application being granted at all</p> <p>I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)</p>
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Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages **see note 2**

WE STRONGLY OBJECT TO THE AFORE MENTIONED LICENSE APPLICATION. THE APPLICATION SPECIFIES THAT THE NOISE LEVEL FROM RECORDED AND LIVE MUSIC WILL BE LIMITED TO A LEVEL NOT TO CONSTITUTE A STATUTORY NUISANCE. THIS CONSTRAINT CANNOT BE MAINTAINED FOR THE FOLLOWING REASONS:

- THE POSITION OF ALDERSON HOUSE IN A RESIDENTIAL AREA CONSISTING OF OLD PROPERTIES WITH POOR NOISE INSULATION
- THE DESIGN AND LAYOUT OF ALDERSON HOUSE MEANS NOISE NUISANCE CANNOT BE CONTAINED INSIDE THE BUILDING
- THE POOR MANAGEMENT OF ALDERSON HOUSE HAS DEMONSTRATED ITS INABILITY TO CONTROL NOISE LEVELS

PLEASE REFER TO THE ATTACHED LETTER FOR FURTHER EXPLANATIONS AND JUSTIFICATIONS WHY THIS LICENSE SHOULD NOT BE GRANTED.

Signed... M. Penrose *M. Penrose*
Date... 12/4/2010

10 Back Lane
Warwick
CV34 4BZ

April 12, 2010

Mr. David Davis
Warwick District Council
Licensing, Members Services
Riverside House, Milverton Hill
Leamington Spa
CV32 5HZ

Ref.: Application to vary a premises license for Alderson House, 23 High Street, Warwick, CV34 4AX – WDCPREM00213

Dear Mr. Davis,

We strongly object to the application to vary a premises license for Alderson House, 23 High Street, Warwick, Warwickshire, CV34 4AX, dated March 27, 2010.

The license application specifies that the noise level from recorded and live music will be limited to a level not to constitute a statutory nuisance. We object to the application because, for the following reasons, this constraint cannot be maintained:

- The position of Alderson House in a residential area consisting of old properties with poor noise insulation
- The design and layout of Alderson House means noise nuisance cannot be contained inside the building
- The poor management of Alderson House has demonstrated its inability to control noise levels

In addition, the license application reflects a fundamental change from the current alcohol license – not a variation.

Position of Alderson House

- The surrounding buildings were built prior to modern construction methods and being in a conservation area, changes to the buildings are constrained. As a result the majority of the buildings do not have cavity walls or double glazing and are therefore poorly insulated against noise.
- Alderson House is surrounded by residential premises, populated in the main, by pensioners.
- Cars leaving events after the requested 1:00 am licensed time will have to travel along the narrow residential streets of Castle Lane and Back Lane.

Design of Alderson House

- The house and garden walls reflect noise created in the garden and car park into neighbouring houses.
- During previous summer events held at Alderson House, guests have opened windows and doors for cooler air and naturally go outside to talk, smoke and drink.
- The only external place to congregate is at the front door and garden. Due to the position of walls, the resultant noise from the bands and intoxicated guests, is funneled towards surrounding residential properties.
- The noise from guests outside usually continues beyond the time the music finishes.

The Management at Alderson House

- The management have demonstrated their inability to manage proceedings as recently as March 19, 2010:

The sound levels of a rock band playing in Alderson House made it impossible to listen to our television at reasonable sound levels. We had to turn our television up to an uncomfortable level to hear it above the music being played in Alderson House.

We phoned Alderson House at 8pm and asked for the noise level to be reduced. We were told that the band would be at premises until 11:30pm but they would ask for the sound level to be reduced.

At 9pm we phoned again as the previous conversation had made no difference to the sound level. The manager said that he had "asked" the band to turn the music down.

We made third request at 11pm, explaining that if the noise level did not reduce we would make a formal complaint to the Council. The manager again explained that he was unable to reduce the noise. As expected nothing changed and the music continued until 11:40 rather than 11:30 – again illustrating a lack of control.

It would appear that, having made the formal complaint on the 21st March, Alderson House attempted to make a retrospective application for a music license. This can be seen with the application having been dated the 4th March but receipt by the Council stamped as the 26th.

On application a Blue Notice was posted on the side gate to Alderson House in Back Lane, this did not reflect the nature of the license application and has since disappeared. It does feel that there is a level of contempt by Alderson House towards the neighbours that does not bode well for maintaining the terms of a license – if one was granted.


- The fact that Alderson House does not have a license to play music, although they have been doing so for a number of years, again, indicates poor management.
- A well managed business would have applied for a license before holding such events – assuming they thought themselves and their property a suitable candidate for such a license!
- With the apparent poor levels of management control, it is unlikely that restrictions placed on a successful license application would be enforced.

The Application is not a variation to the existing license:

- The application for live music, recorded music, provisions of facilities for dancing and provision of facilities for making music is a fundamental change to their current license.
- Whilst the current alcohol license is appropriate for the use as a Masonic lodge, permission to play live music any night of the week until 1:00 am is not and indicates a desire to officially change the use of the facility.

Given all-of the above, we are strongly opposed to granting a variation to the premises license for Alderson House. The application to vary a premises license should not be granted as it will result in severe nuisance to us and our neighbours in Back Lane, Castle Lane and the High Street.

Yours sincerely,


N. Penrose

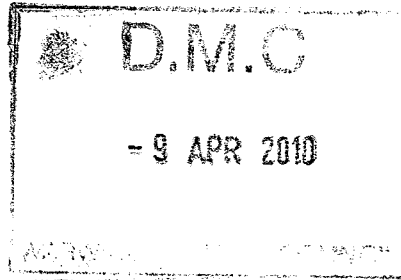
Mr GR and Mrs MK Penrose

APP 8

1, Castle Court,
Castle Lane,
Warwick,
CV34 4EB.

6 April 2010

Warwick District Council,
Licensing,
Members Services,
Riverside House,
Milverton Hill,
Leamington Spa,
CV32 5HZ.



Dear Sir,

Premises Licence No WDC PREM 00213
Alderson House, 23, High Street, Warwick.

We wish to object to the application by the above for a variation in their Premises Licence.

A few weeks ago, this establishment held a function with extremely noisy music which we could hear from the above address in Castle Lane. Our area is mostly residential and we and our neighbours are not prepared to accept this sort of noise pollution.

I should also point out that parking and motor traffic has now reached saturation point in our small lanes (Back Lane/Castle Lane) and whilst the Masonic Rooms do have parking facilities, members do not always use them.

The noise nuisance level would also be much worse during the summer months, when their windows (and those of neighbours) would be open. Furthermore, their guests will overflow (as they do now) into the outside area, thus increasing intrusive noise levels.

We will also be subjected to more traffic coming and going – these days there is very limited room to park our own vehicles, and those of our guests.


This application will therefore constitute a most disastrous nuisance to us, the local residents, with increased traffic and noise, especially late at night.

Yours faithfully,

Jobyna R Hart (Mrs)

213

APP 9

Interested Party Representation (to be read in conjunction with guide notes at end of document)	
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Section 1 - Application Details

I object to the following Application:		08 APR 2010 D.M.C.
Applicant's name (if known): DAVID CORK / ROGER WYATT Premises name and address: ALDERSON HOUSE, 23 HIGH ST, WARWICK CV34 4AX		
Application for a	Premises Licence..... <input type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>	
Application to vary an existing	Premises Licence..... <input checked="" type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>	
Application Number	WDC PREM 00213	

Section 2 - Objector details

Individual Objectors Details: <i>If you are objecting as a representative go to the next section</i>	
Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	ROBIETTE
First name(s)	ALAN GERALD
Address (incl postcode): see note 1 30 HIGH ST WARWICK CV34 4AX	

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses in the vicinity please complete the boxes below

Organisation name if applicable	
---------------------------------	--

Please state nature of representation see note 3	
---	--

My objection is relevant to the following licensing objective:

You can tick more than one box

- Prevention of crime and disorder.
- Prevention of public nuisance...
- Protection of children from harm.
- Public safety

<input type="checkbox"/>
<input checked="" type="checkbox"/>

I object to the application being granted at all
I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages **see note 2**

PLEASE SEE STATEMENT ON
ATTACHED SHEET

Signed.....Aran Robins.....
Date.....7th APRIL 2010.....

I believe that the granting to vary the existing licence in respect to Alderson House is inappropriate as it is located in a residential area and extension of the licence will cause a public nuisance.

As the property is not air-conditioned, windows will be opened for ventilation during the warmer months of the year, this will cause further nuisance, which I believe is unacceptable. There has been no provision made for smokers and whether they can drink outside the building until the early hours, this will move the entertainment and the noise to the outside again raise the nuisance to those that live in the area.

I fully understand any organisations need to generate income I do not believe that should be made to the detriment of those who have made the choice to live in the location. The current licence allows the owners to generate income and has done so with little nuisance to those of us who live in the vicinity for a number of years and I see no reason to disrupt the balance.

APP 10

32 High Street
Warwick
CV34 4AX

6th April 2010

Ref Application to Vary Premises License 27th March 2010
Alderson House, 23 High Street

Mr David Davies
Warwick District Council

Dear Sir

We have been resident at the above address for over 25 years. My wife and I sleep in a bedroom directly opposite the entertainment room at Alderson House. Over the years we have learnt to live with the very occasional noise from parties there and accept that this is part and parcel of living in Warwick town.

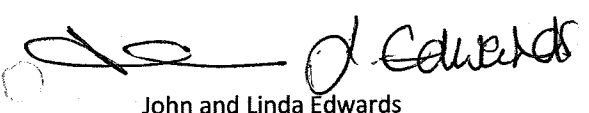
The above application however is very disturbing to both of us.

It seems that the proposal would change Alderson House from an occasional function venue to a 7 day a week night club, open to the early hours every day. This would be totally inappropriate for a residential area and is not allowed for example in other streets eg The Zetland, Church Street. The proposal would lead to unacceptable noise and nuisance to us.

The proposal is somewhat vague in its intention but our main objection is the excessive and unreasonable licensing hours. 11am to 1am each day is not suitable for the centre of a conservation area and would devalue the surrounding properties.

We are in support of Alderson House and its continued use on Friday and Saturday on an occasional basis for weddings and parties, up to 12 midnight. However we strongly oppose any extension beyond these days or times. A good example of the model we would support is the Lord Leycester Hospital function facility.

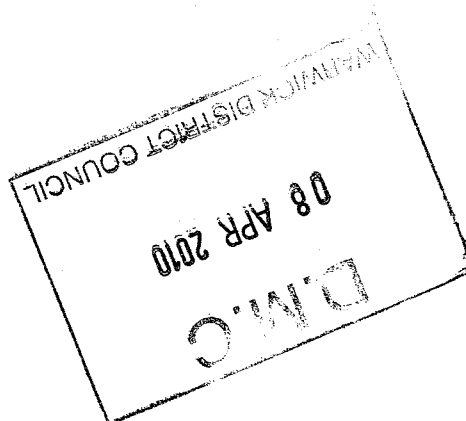
We ask that you reject this application.



John and Linda Edwards

Tel 01926 495971

Email johnandlindaedwards@btinternet.com



8 Back Lane

Warwick
CV34 4BZ

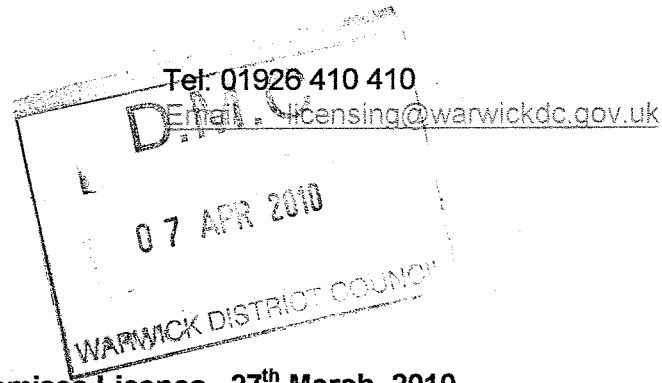
Tel +44 (0) 1926 402009

Mob +44 (0) 7770 924000

Email l.smeaton@sky.com

2nd April 2010

Mr. David Davis
Warwick District Council
Licensing, Members Services
Riverside House Milverton Hill
Leamington Spa CV32 5HZ



Dear Sirs

Application to Vary Premises Licence 27th March 2010
Alderson House, 23 High Street, Warwick, Warwickshire, CV34 4AX

For the last 13 years my wife and I have been resident at 8 Back Lane in Warwick.

We have seen a notice attached to the small side gate to the Alderson House car park on 27th March 2010 for an application to make a variation to the premises licence
Provision of of regulated entertainment
Provision of facilities for regulated entertainment

This notice is vague in the extreme and gives no further information regarding the details of the variation for which the application is being made.
It looked like there could be something to hide or even obfuscation.

We therefore obtained the full application from your website.

The main content for the Application to Vary Premises Licence reveals the variations to include

- Live Music (Indoors Only) Monday to Sunday from 1100 to 0100 hrs
Unamplified and Amplified music for parties
- Recorded Music (Indoors Only) Monday from 1100 to 0100 hrs
Playing of recorded music at parties
- Provision of facilities for dancing (Indoors Only) Monday to Sunday from 1100 to 0100 hrs
Dancing in association with parties
- Provision of facilities for making music (Indoors Only) Monday to Sunday from 1100 to 0100 hrs
Choir, String Quartet, Folk Band for examples of type of performance
- Normal Opening Hours
Hours premises are open to the public Monday to Sunday from 1100 to 0100 hrs

My wife and I object very strongly to the application for the following reasons:-

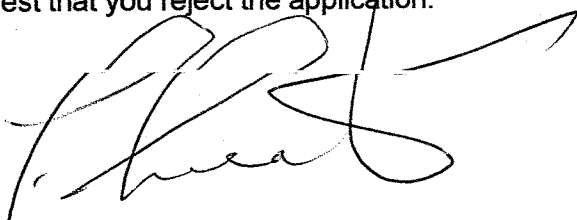
1. The immediate surroundings of Alderson House, including Back Lane and Castle Lane are recognised by your planning department as a residential area.
2. The days, every day and the hours, from 1100 to 0100 hrs, especially the 01:00 in the application are excessive and unreasonable.
3. There is no specific proposal as to how the noise is to be contained to "inaudible". The noise generated will be a serious nuisance as is witnessed already from a function held on March 19th. (* See below)
We understand that no music at all is licensed at the Zetland Pub in Church Street, a residential area.
4. The car park contains space for 42 cars. The noise of car doors banging and cars departing, most coming up Back Lane directly under our bedroom window, could not be prevented and at 01:00 potentially every morning would be a serious public nuisance.
5. Changing the Hours: for the premises being open to the public to Monday to Sunday from 1100 to 0100 hrs would change the current use of the premises as the Masonic Lodge for use by its members and occasional private parties, to a club type venue open to the public every day and to 0100 hrs every night. This would cause a major nuisance to us and would not be a use of the premises consistent with a residential area.
6. If this application were to be granted we believe it would damage the value of our house.

Whilst we have lived here for 13 years and have accepted the disturbance caused by a few private parties, functions and entertainments that have occurred from time to time over the years, we do not object to a reasonable approach. This application contains what amounts to a major change to the use of Alderson House which is not in keeping with this conservation residential area and its ambience which is so valuable in allowing us to enjoy a peaceful and secure existence.

My wife and I request that you reject the application.

Yours faithfully,

T.Smeaton



* March 19th 2010

On March 19th my wife and I returned home at about 10:30 in the evening. We could not miss noticing that a very loud musical dancing type noise was ringing through our house. I went to our rear window which overlooks the Warwick Arms Hotel back yard thinking perhaps there was an extra loud party going on there but there was no excessive noise from there. So I went to our bedroom window at the front of the house and it became immediately obvious that this extreme noise was coming from Alderson House opposite. It was extremely loud and was very intrusive even though the window was closed. It was a continual nuisance until after midnight when more noise came from the people leaving the premises and the cars leaving the car park.

App 12

Interested Party Representation
(to be read in conjunction with guide notes at end of document)



Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):
Roger Wyatt and David Cook

Premises name and address:
Alderson House
23 High Street
WARWICK

Application for a	Premises Licence..... <input type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input checked="" type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>
Application Number	

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	GEATER
First name(s)	TIMOTHY JAMES

Address (incl postcode): **see note 1**

19 HIGH STREET
WARWICK
CV34 4AP

D.M.C
26 APR 2010
WARWICK DISTRICT COUNCIL

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses in the vicinity please complete the boxes below

Organisation name if applicable	
Please state nature of representation see note 3	

Section - Objection Details

My objection is relevant to the following licensing objective:

You can tick more than one box

- Prevention of crime and disorder.
- Prevention of public nuisance...
- Protection of children from harm.
- Public safety

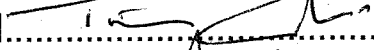
- I object to the application being granted at all
- I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)

Our objection is based on the following:

You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages **see note 2**

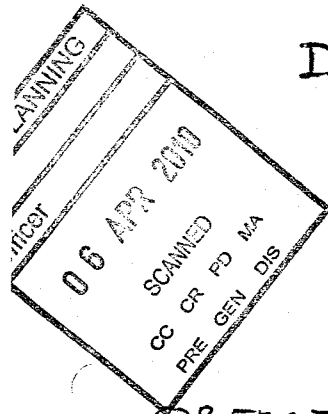
I believe that the granting of this extension to the existing licence for Alderson there is inappropriate as it is located in a residential area and any extension will cause a public nuisance. As the property is not air-conditioned windows will be opened for ventilation during warmer months of the year, this will cause further noise possible. There has been no provision made to smokers and whether they can drink outside the building with the entry house, this will move the entertainment and the noise to the outside, again causing nuisance to those that live in the area. I fully understand any organisations need to generate income but I do not think that it should be made to the detriment of those that live in the area. The current licence allows the owners to generate income and has done so for a number of years with little nuisance and I

Signed.....

Date...21.5.10...April 2010

See no reason to disturb the balance in
favor of only one party.

APP 13



DR DEREK BARROWCLIFF

27 High St

WARWICK. CV34.4AX

30 March 2010.

OBJECTION TO APP. No: WDCPREM
00213

Dear Sir or Madam

Living two doors away from the Masonic Rooms I would like to register in the strongest of terms an objection to the application to play or make live music until 1 a.m. any day of the week.

Not only

- ① has emission of objectionable noise from these premises been sufficient to require attendance of your Noise Officer, but:
- ② given the nature of the

events which are likely to take place, the disturbance is not likely to stop at 1 a.m., Rowdy, anti-social behaviour, even Hooliganism, might easily follow in the quiet streets, following the mass emergence of participants at 10'clock.

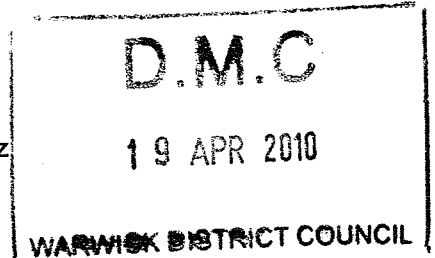
Furthermore, may I emphasise the importance to Warwick of preserving with the utmost care the nature ~~and~~ contribution of having an (almost) exclusively residential quarter ~~where~~ as this west end of the old town. Any incursion like this is likely to be progressive, and would never be reversed. Yours faithfully

N.F. Banwait.

APR 14

Reference WDC - PRE 00213.

THE OLD TAP
BACK LANE
WARWICK CV34 4BZ
01926 497145



April 12th 2010

Dear Sir,

I am dismayed to learn of an application from Alderson House, High St. Warwick, for a licence to play loud music any evening until 1 am.

Alderson House is in a residential area and such noise is inappropriate.

We already hear loud music from the house and of guests leaving, i.e. good-night chat, car doors slamming and revving of engines, especially those who park in Back Lane under our bedroom window - not desirable at 11 pm but unacceptable at 1 am.


I would ask that this application be refused.

Yours faithfully,

(Mrs) Celie S. Sykes.

D.M.C.
- 9 APR 2010

APP 15

Interested Party Representation (to be read in conjunction with guide notes at end of document)	
---	--

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known): **DAVID CORK/ROGER WYATT**

Premises name and address:
**ALDERSON HOUSE, 23, HIGH STREET, WARWICK
 CV34 4AX**

Application for a	Premises Licence..... <input type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application to vary an existing	Premises Licence..... <input checked="" type="checkbox"/> Club Premises Certificate..... <input type="checkbox"/>
Application Number	

Section 2 - Objector details

Individual Objectors Details:
If you are objecting as a representative go to the next section

Applicant Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other _____
Surname	HART
First name(s)	MALCOLM
Address (incl postcode): see note 1	
1, CASTLE COURT, CASTLE LANE, WARWICK, CV34 4EB	

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

If you represent residents or businesses in the vicinity please complete the boxes below

Organisation name if applicable	
---------------------------------	--

Please state nature of representation see note 3

<p>My objection is relevant to the following licensing objective:</p> <p><i>You can tick more than one box</i></p>	<input type="checkbox"/> Prevention of crime and disorder. <input checked="" type="checkbox"/> Prevention of public nuisance... <input type="checkbox"/> Protection of children from harm. <input type="checkbox"/> Public safety
--	--

<input checked="" type="checkbox"/>	<p>I object to the application being granted at all</p> <p>I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see)</p>
-------------------------------------	--

Our objection is based on the following:

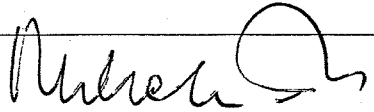
You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages **see note 2**

THE PRIMARY NOISANCE WOULD BE MORE FREQUENT AND INCREASED (I.E. LATER AT NIGHT) NOISE LEVELS BY PARTY GOERS AND THEIR ENTERTAINMENT.

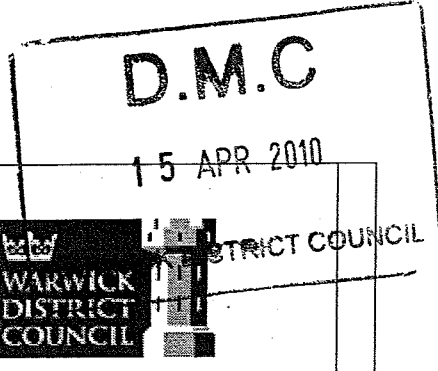
SECOND, THIS WOULD RESULT IN MORE TRAFFIC MOVEMENT AND PARKING PROBLEMS IN AN ALREADY CONGESTED AREA.

BUT THE REAL CONCERN IS THAT THIS APPLICATION IS IN EFFECT A CHANGE OF USE OF THE PREMISES FROM A 'PRIVATE MEMBERS CLUB' (THEIR DEFINITION) TO A COMMERCIAL ENTERPRISE - SURELY UNACCEPTABLE!

Signed..... 

Date..... 6/4/10

APP 16



Interested Party Representation
(to be read in conjunction with guide notes at end of document)

Section 1 - Application Details

I object to the following Application:

Applicant's name (if known):
David Clark

Premises name and address:
Aldersay House, 23 High Street, Warwick, CV34 4AX

Application for a <i>MAKING MUSIC</i> <i>LIVE MUSIC</i> <i>RECORDED MUSIC</i>	Premises Licence..... <input checked="" type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>

Application to vary an existing <i>✓</i>	Premises Licence..... <input type="checkbox"/>
	Club Premises Certificate..... <input type="checkbox"/>

Application Number	<i>WDC PREM 00213</i>
--------------------	-----------------------

Section 2 - Objector details

Individual Objectors Details:

If you are objecting as a representative go to the next section

Applicant Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other <i>MS</i>
-----------------	--

Surname	<i>SMITH</i>
---------	--------------

First name(s)	<i>ROSEMARY</i>
---------------	-----------------

Address (incl postcode): **see note 1**

2 Back Lane
Warwick
CV34 4BZ

Please note that a full copy of your objection (including your name and address) will be sent to the applicant and will be a public document at any hearing of this matter.

If you do not wish your objection to be made public please complete the box below and give reasons. If you are not prepared to allow your objection to be made public then it may be ruled as unusable or as being less important than a public objection.

Please tick here if you do not wish your objection to be made public and complete the box below

This is because

The premises + their attendants have been generally unneighbourly and create disturbance. I do not wish to be intimidated

If you represent residents or businesses in the vicinity please complete the boxes below

Organisation name if applicable

Please state nature of representation **see note 3**

N/A

My objection is relevant to the following licensing objective:

You can tick more than one box

- Prevention of crime and disorder.
- Prevention of public nuisance...
- Protection of children from harm.
- Public safety

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | I object to the application being granted at all |
| <input type="checkbox"/> | I object to the application being granted in it's current form (If you choose this option remember to tell us in the next section what changes you would like to see) |

Our objection is based on the following:













You need to complete this box as fully as possible. If you do not then the Committee may not understand why you have objected.

Please attach supporting documents / further pages as necessary - Please number all extra pages **see note 2**

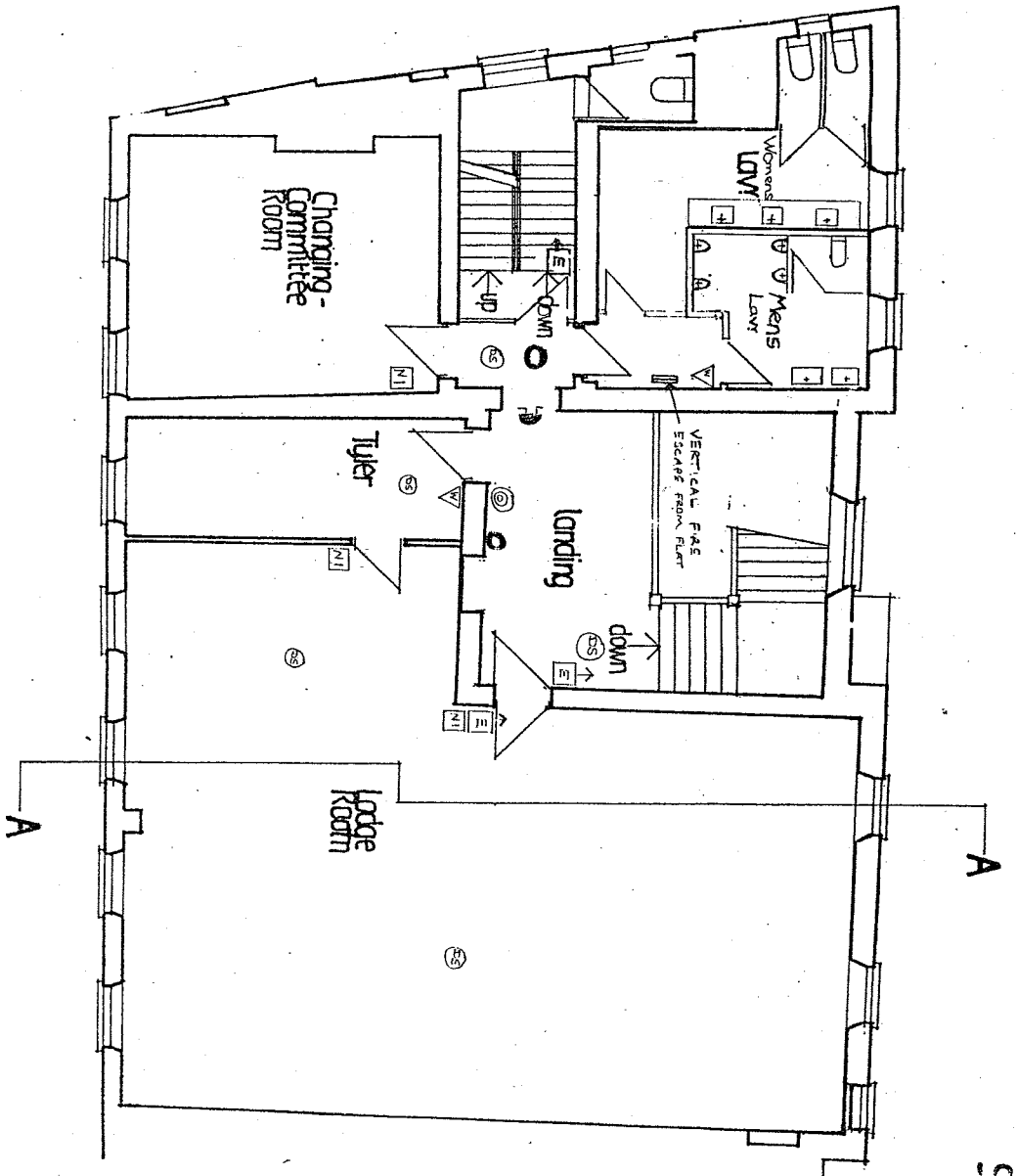
I suffer noise & disruption already from late meetings. To have to suffer loud music, until 1 am, I feel is very unacceptable. This is a residential area.

Signed.....*Rosemary S. H.*.....
Date.....10/4/2010.....

APP 17

-  EXIT SIGN
-  DRY POWDER
-  CARBON DIOXIDE
-  WATER
-  FOAM
-  SMOKE DETECTOR
-  FIRE ALARM SANDER
-  FIRE ALARM PANEL
-  EMERGENCY LIGHT
-  ILLUMINATED EXIT SIGN
-  GENERAL FIRE NOTICE
-  FIRE ALARM ACTUATING POINT

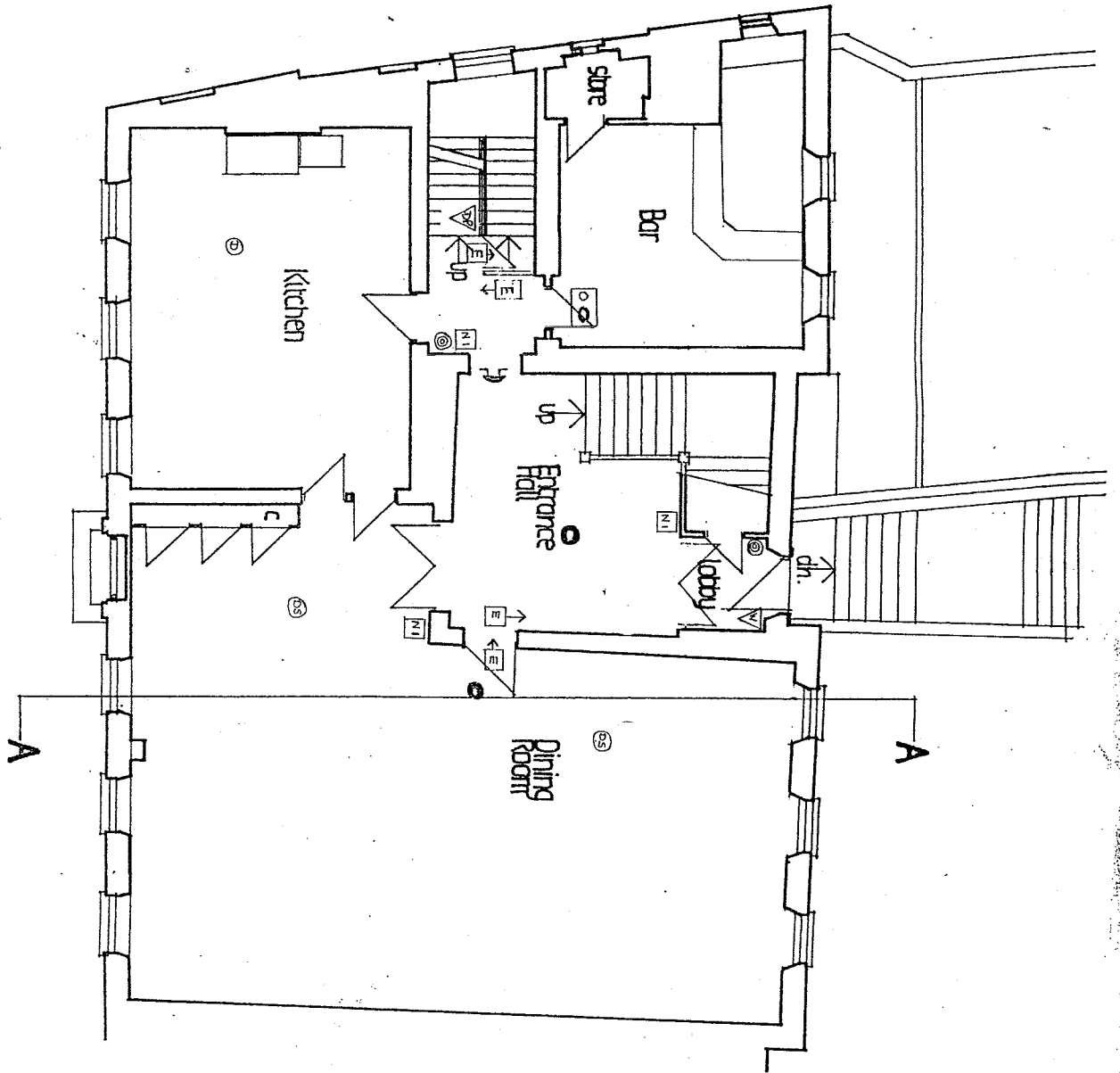
First Floor Plan



SCALE: 1:100

APP 18

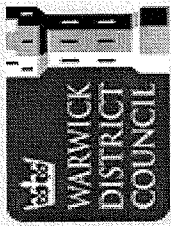
Ground Floor Plan



SCALE 1:100

- EXTINGUISHER
- DRY POWDER
- CARBON DIOXIDE
- WATER
- FOAM
- SMOKE DETECTOR
- FIRE ALARM SOUNDER
- FIRE ALARM PANEL
- EMERGENCY LIGHT
- ILLUMINATED EXIT SIGN
- GENERAL FIRE NOTICE
- FIRE ALARM ACTUATING POINT

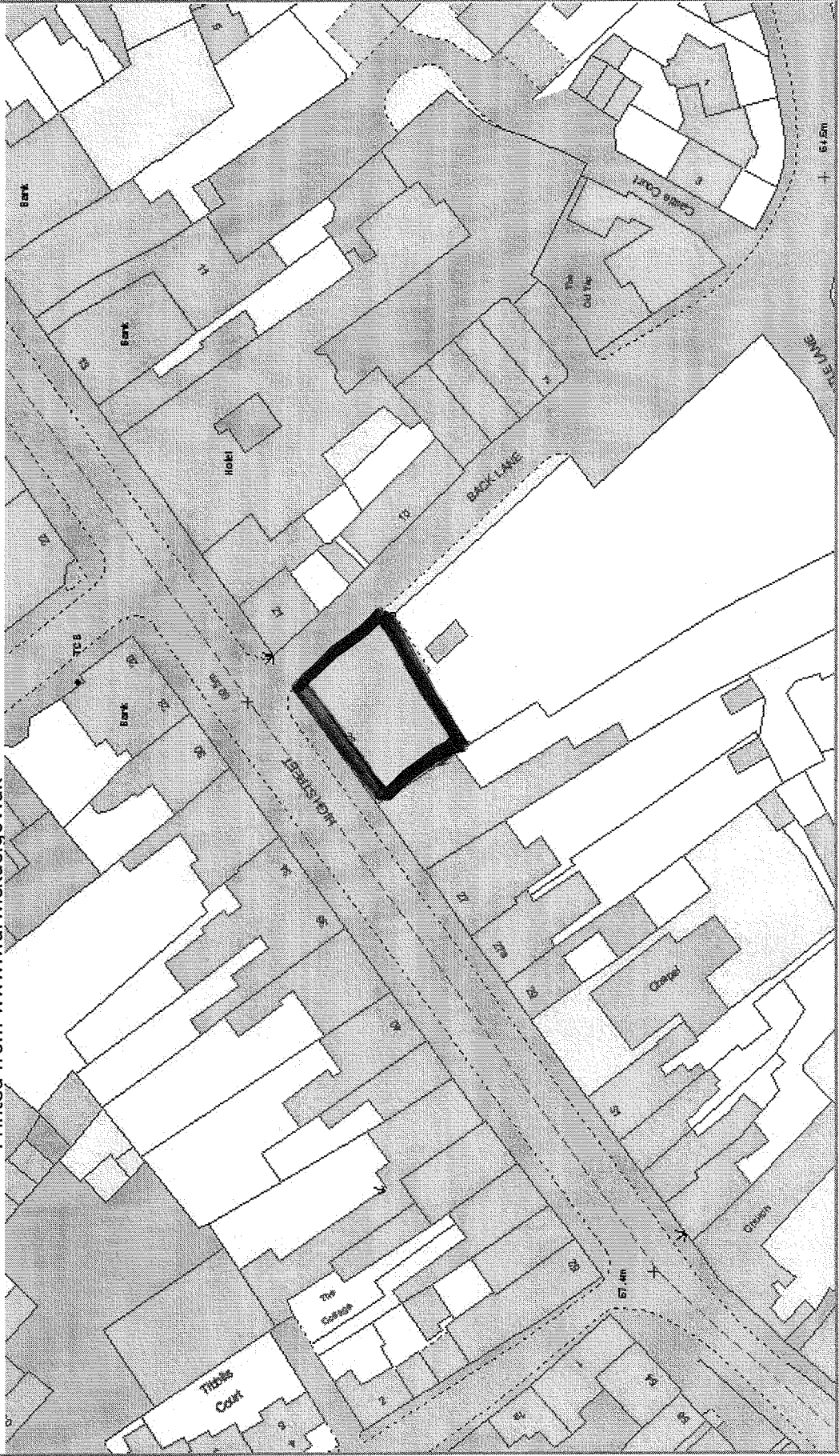
APP 19



GGP e-Maps

Property Information (Scale 1:750)

Printed from www.warwickdc.gov.uk



Warwick District Council, 100018302 2010

APP 20



STATEMENT OF LICENSING POLICY

Reviewed 2009

(Changes to cumulative impact zone added)

9th July 2009

1. Introduction

- 1.1 Warwick District Council (the Licensing Authority) makes this Statement of Licensing Policy in pursuance of its duties and powers under the Licensing Act 2003, (the Act) and guidelines on its content issued under Section 182 of the Act.
- 1.2 Warwick District Council is situated in the south of Warwickshire in the centre of England. Appropriately for England's heartland, Warwick District Council's boundaries are roughly heart-shaped, embracing an area of some 28,253 hectares with a population of 126,000 people. The District covers four towns, Royal Leamington Spa, Warwick, Kenilworth and Whitnash as well as a large rural area with 18 Parish Councils. It is acknowledged that the town centres have a large proportion of residential premises.
- 1.3 The aim of this Policy is to:-
- promote the Licensing Objectives.
- 1.4 The following Licensing Objectives can be found in the Licensing Act 2003:-
- **prevention of crime and disorder;**
 - **public safety;**
 - **prevention of public nuisance; and**
 - **protection of children from harm.**
- 1.5 In making this Policy, the Licensing Authority recognises the following:-
- **that residents within, and visitors to the District need a safe and healthy environment to live, work and visit; and**
 - **that safe and well run entertainment premises are important to the local economy and vibrancy of the District.**
- 1.6 This Statement provides guidance to the police, applicants, objectors and residents on the general approach that the Licensing Authority (acting through its Licensing Committee) will take when making licensing decisions.

The following, will guide that decision making process:-

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives;
 - each licence application will be given individual consideration on its merits;
 - when making its decisions, the Licensing Authority will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time; and
 - the Licensing Authority will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions).
- 1.7 This Statement covers the period 7 January 2008 to 6 January 2011 and will be kept under review and revised/amended as required, following consultation.

1.8 The Licensing Authority will carry out its licensing functions in accordance with the Licensing Act 2003 (as amended) and any relevant guidance issued under the Act.

1.9 The Licensing Authority will observe the principle of the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

2. Delegation of Functions for Regulatory Matters

2.1 In the interests of speed, efficiency and cost effectiveness the Licensing Committee will only decide matters that have not been delegated to a sub-committee or to an officer. A copy of the scheme of delegation is available on request.

3. General Statement of Guiding Principles

3.1 The Council as a licensing authority has adopted the following principles. These principles will serve as a **general** guide to the Council when it carries out its licensing functions:-

3.2 **Principle 1 -** The Licensing Authority will not normally fix pre-determined licensing 'quotas' in any given area but see paragraphs 7 and 8.

3.3 The purpose behind this Principle is to:

- promote the prevention of crime and disorder.

3.4 If there are problems in a particular area with nuisance, crime or disorder and those problems are associated with the number or proximity of licensed premises in that area, the Licensing Authority will normally use licence conditions to address those problems, but may impose 'quotas.' (see paragraphs 7 and 8)

3.5 **Principle 2 -** The Licensing Authority generally supports the use of longer opening hours as a means of reducing the concentration of people leaving licensed premises at the same time and of staggering their dispersal. However, there is no presumption in favour of longer hours and the Licensing Authority will take into account any evidence which shows that longer opening hours in any particular case undermines the licensing objectives.

3.6 The purpose behind this Principle is to:-

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance; and
- address the issue of closing hours.

3.7 It is recognised by the Licensing Authority, following Government recommendations that, longer licensing, hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.

- 3.8 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.9 **Principle 3 -** The Licensing Authority will not fix pre-determined closing times for particular areas but will take into account any objections received when dealing with individual applications.
- 3.10 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote public safety; and
 - promote the prevention of public nuisance.
- 3.11 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.12 **Principle 4 -** As far as shops, stores and supermarkets are concerned, the Licensing Authority will normally permit the sale of alcohol during legal opening hours unless evidence is available that to do so would undermine the licensing objectives.
- 3.13 The purpose behind this Principle is to:-
- promote the prevention of crime and disorder;
 - promote the prevention of public nuisance; and
 - address the issue of alcohol sales in shops, stores and supermarkets.
- 3.14 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.15 **Principle 5 -** The Licensing Authority will not limit the access of children to licensed premises unless it is necessary for the prevention of harm.
- 3.16 The purpose behind this Principle is to:-
- promote the protection of children from harm; and
 - address the issue of children in licensed premises, including cinemas and other public entertainment.
- 3.17 Restrictions that undermine this Principle will normally be avoided and licence conditions used to address any problems which may arise.
- 3.18 **Principle 6 –** The Licensing Authority will only attach conditions that further the Licensing Objectives and relate to the operating schedule, relevant representations that have been received or mandatory conditions as prescribed in the Licensing Act 2003.

3.19 The purpose behind this Principle is to:-

- ensure that all applications are dealt with on merit;
- ensure that conditions imposed further the licensing objectives; and
- ensure that conditions relate to the operating schedule or relevant representations which have been received.

4. Licensing Objectives

4.1 Prevention of Crime and Disorder

4.1.1 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent crime and disorder in the District.

4.1.2 The Licensing Authority will expect all licensed premises to be managed responsibly.

4.1.3 When considering applications for premises licences for late night refreshment the Licensing Authority will take into account the potential for disorder that this type of premises may cause to the night time environment.

4.1.4 The Licensing Authority will consider attaching conditions to licences and certificates to prevent crime and disorder. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.

4.1.5 The Licensing Authority recognises that there are a number of mechanisms for addressing unlawful or anti-social behaviour that occurs away from licensed premises, qualifying clubs and temporary events. These include:-

- planning controls;
- enforcement of Environmental Protection legislation (e.g. on noise nuisance);
- positive measures to provide a safer and clean town centre;
- environmental controls, in partnership with local businesses, transport operators and other departments of the Council;
- powers to designate parts of the District as places where alcohol may not be consumed publicly;
- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- dispersal of people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

4.2 Public safety

- 4.2.1 The Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. Any such conditions will be tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 4.2.2 The Licensing Authority will consider attaching a 'safe capacity' to licences and certificates when it appears necessary to ensure public safety or to prevent crime and disorder.

4.3 Prevention of public nuisance

- 4.3.1 The Licensing Authority will take an objective view as to the potential for nuisance and will seek to attach appropriate and proportionate conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected to take place there. In each individual case that arises following representation, the Licensing Authority will:
- consider the potential for nuisance associated with the style, characteristics and activities of the licensable activity involved;
 - examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation; and
 - consider restricting the hours of the licence or the licensable activity only as a last resort because of the potential impact on disorder and anti-social behaviour from fixed and artificially early closing times.
- 4.3.2 By way of guidance, the Licensing Authority would expect that after 23.00 all persons outside the premises would move indoors, and any amplified sound to be inaudible in neighbouring domestic properties.
- 4.3.3 Any exceptions to this would need to be justified in an operating schedule showing how the licensing objectives were being achieved.
- 4.3.4 In the event of a variation to remove this condition, and in the case of the necessity of a hearing, evidence would be expected to be submitted to the Licensing Panel that the change would not impact on the licensing objectives
- 4.3.5 It should also be noted that the Licensing Authority expects that the premises will usually close within half an hour of the end of the last licensable activity.

4.4 Prevention of Harm to Children

- 4.4.1 For the purposes of the Act, the "responsible authority" in respect of issues relating to the protection of children from harm, and to which copies of applications should be sent is:

The Assistant Head of Service, Planning and performance children, Young Children and Families Directorate, Saltisford Office Park, Ansell Way, Warwick. CV32 4UL

- 4.4.2 For the purposes of this Policy and for the making of representations in respect of any application, the Warwickshire Children and Young People's Joint Management Team have indicated that they will regard the term "children" to include any person between the ages of 0 – 18 years old.
- 4.4.3 Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.
- 4.4.4 Areas that may give rise to particular concern in respect of children include premises:
- Where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
 - With a known association with drug taking or dealing;
 - Where there is a strong element of gambling on the premises;
 - Where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 4.4.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:
- Limitations on the hours when children may be present;
 - Age limitations (below 18);
 - Limitations or exclusions when certain activities are taking place;
 - Restrictions or exclusions in respect of parts of premises;
 - Requirements for an accompanying adult;
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 4.4.6 The Licensing Authority cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.
- 4.4.7 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications.

4.4.8 Where a number of children are expected to attend regulated entertainment (e.g. theatre production, 'junior disco', film shows), the Licensing Authority may consider the need to require a specified number of adults to be present at the place of entertainment to control the access and egress of children and to assure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages and ability of the children present and the type of activity involved. These matters will need to be addressed by the applicant as part of the operating schedule.

The Licensing Authority will consider attaching conditions to licences and certificates to prevent harm to children.

5. Other Considerations

5.1 Live Music, Dancing & Theatre

5.1.1 This Policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues, the potential for disturbance in neighbourhoods will always be carefully balanced with these wider benefits.

5.2 Integration of Strategies

5.2.1 The Licensing Authority shall secure the proper integration of this policy with local crime prevention, anti-social behaviour away from licensed premises, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with Warwickshire Police, Community Safety Forum, and considering any guidance from the crime and disorder strategy document; and
- Liaising and consulting with the appropriate Council Officers, the Planning Committee, the Executive, and considering guidance in the Local Plan.

5.2.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include

- the use of closed circuit television cameras;
- the provision and use of shatterproof drinking receptacles;
- a drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- restrictions on hours of opening; and
- membership of an appropriate Pub-Watch scheme.

5.2.3 Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above. The Licensing Authority will have regard to any local orders and/or strategies relating to street drinking.

5.2.4 The Council's Licensing Committee shall receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that the Committee considers these matters.

5.2.5 The Council's Licensing Committee shall receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

5.2.6 Unnecessary duplication or inefficiencies will be avoided by properly separating the planning and licensing regimes. Where appropriate, matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will take into account any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that Committee and will not cut across such decisions.

5.2.7 The Council's Licensing Committee shall provide and receive regular reports to and from the Planning Committee on the situation regarding licensed premises in the area.

6. Other regulatory regimes

6.1 This policy shall avoid duplication with other regulatory regimes wherever possible. The following advice relates to specific regimes but is not exhaustive:-

6.2 Health and Safety

6.2.1 Premises will normally have been visited by the Council's Environmental Health inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). These regimes place a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives.

6.3 Fire Safety

6.3.1 Premises and their operators will be under general duties under current fire safety regimes. The operating schedule should indicate the precautions that are taken to protect public safety.

6.4 Food Hygiene

6.4.1 Premises selling alcohol and/or premises engaged in a food business will be registered with the Licensing Authority and subject to risk-based food hygiene inspections at regular intervals.

6.5 Noise

6.5.1 Statutory and public nuisances are dealt with by the Council's Environmental Health Business Unit under the Environmental Protection Act 1990 and associated legislation.

6.6 Planning

- 6.6.1 Any premises that apply for a licence or a variation of a licence may also need planning permission.

6.7 Standard Conditions

- 6.7.1 The Licensing Authority does not support the use of blanket conditions which, if imposed, may be seen as disproportionate and overly burdensome. Conditions attached to licences shall be tailored to the individual styles and characteristics of the premises and events concerned

6.8 Enforcement

- 6.8.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocol between Warwickshire Police and the Council, together with Warwickshire Fire Service and Trading Standards. This Protocol reflects the need for a more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement. A copy of the Protocol is available on request.
- 6.8.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the Protocol. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary, assisted by information provided by the Multi Agency Enforcement Group. Information about this group is available separately

7. Special Policy Regarding Cumulative Impact

- 7.1 The Licensing Authority recognises that there is a difference between the cumulative impact of premises and commercial need. The latter is a function of market forces and is not a factor the Council may take into account in the discharge of its licensing function.
- 7.2 The Licensing Authority adopted a special policy regarding cumulative impact in November 2005 at the commencement of the Licensing Act 2003 where it considered that a significant concentration of licensed premises would have an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting the special policy reference to the steps outlined in paragraph 13.26 of the Licensing Act Guidance were made.
- 7.3 The Licensing Authority formed two saturation zones, based on information supplied to it in 2005 on crime and disorder and other related matters. The area and its necessity has been ratified by further figures supplied to the Licensing Authority in January 2009 as part of its review of the cumulative impact policy.
- 7.3 The two zones, when joined together, form the same area as the Leamington Safer Neighbourhood area. In the interest of clarity and transparency, the two zones have been amalgamated into one cumulative impact zone. A map of the zone is shown below. Properties on both sides of any road which borders the zone are deemed to be included within the zone. (see plan below)



7.4 It is considered that the cumulative impact of further new licences in this zone may lead to the area becoming further saturated with premises of a certain type, including pubs, clubs, takeaways and off licences, making the area a focal point for

large groups of people, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

- 7.5 The special policy regarding cumulative impact is not absolute and where licences are unlikely to add to the cumulative impact on the licensing objectives, or the Licensing Authority does not receive any representations, the licence will be granted.
- 7.6 The special policy regarding cumulative impact will not be used to try and revoke an existing licence or certificate when representations are made about the way the premises are being operated; representations would be considered and determined in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application or to vary a licence or certificate.
- 7.7 The Licensing Authority will not operate a quota of any description including any special policy, that would pre determine an application. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned, and the differing impact they will have on the local community.
- 7.8 The Licensing Authority will consider the individual merits of all applications and where it feels to grant the application would be unlikely to add significantly to the cumulative impact in light of the licensing objectives, the Licensing Authority may grant the application.
- 7.9 If an application for a licence within the cumulative impact zone is made, the Licensing Authority will expect the applicant to demonstrate in their operating schedule, the steps to be taken to prevent problems of nuisance and, public safety and the steps to be taken to promote the reduction of crime and disorder. The onus of proof will be on the applicant to show that the application will not impact on the four licensing objectives.
- 7.10 The Licensing Authority recognises that if no representations are made regarding an application for a licence within the cumulative impact zone, the Licensing Authority must and will grant the licence.
- 7.11 The policy will be subject to review.

8. Further Information

- 9.1 The Licensing Authority has produced guides for applicants.
- 9.2 The Council's Licensing Section can only offer advice on the process for, and, progress of, applications and as to whether particular activities fail to be licensed. If you require detailed advice on the requirements of the legislation and how it affects you and your premises you should seek your own independent legal advice.
- 9.3 The grant of a licence under the Licensing Act 2003 does not obviate the need for permission or consent required under other legislation.

9.4 The Licensing Authority cannot impose conditions and restrictions on events covered by a temporary event notice. However, all the other regulatory considerations in Section 5 above will apply, and should be considered by organisers. Further advice is available in the guide to temporary events.

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