

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 27 May 2010, at the Town Hall, Royal Leamington Spa at 2.00 pm.

PANEL MEMBERS: Councillors Crowther, Mrs Higgins and Vincett.

ALSO PRESENT: Jayne Bailey, (Licensing Services Officer), David Davies (Licensing Services Manager), Max Howarth (Council's Solicitor) and Amy Jobling (Committee Services Officer).

1. APPOINTMENT OF CHAIRMAN

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

The Chairman introduced himself, other Members of the Panel and Officers.

2. DECLARATIONS OF INTEREST

Minute Number 3 – Application for a premises licence under the Licensing Act 2003 for Alderson House, High Street, Warwick

Councillors Crowther and Vincett declared personal interests because one of the objectors, Mrs Mellor, was known to them in her capacity as a Warwick District Councillor.

Councillor Mrs Higgins declared a personal interest as the applicants and a number of the objectors were known to her.

3. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR ALDERSON HOUSE, WARWICK

A report from Community Protection was submitted which sought a decision on variation of a premises licence for Alderson House, High Street, Warwick.

The Chairman asked those present to introduce themselves, they were Mr Steven Price, Chairman of Directors of Alderson House, Mr Tom Smeaton, objecting, Mr John Edwards, objecting, Mr Gerry Penrose, objecting, Mrs Penrose, objecting and Mr Andrew Potts, solicitor from Wright Hassall was representing Mrs Penrose.

There were also a number of residents observing the hearing whose views were being expressed by those mentioned above.

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

The Licensing Services Manager outlined the report and asked the panel to consider all the information contained within the report and determine if the application for a premises licence should be approved.

LICENSING PANEL HEARING MINUTES (Continued)

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 vary the hours the premises was open until 01:00 hours, seven days a week and to allow regulated entertainment from 11:00 hours to 01:00 hours, seven days a week.

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.

A number of conditions had been previously agreed by the applicant with Warwick District Council's Environmental Health department and were detailed in a letter distributed at the hearing.

It had been agreed to reduce the opening hours of the premises to 24:00 hours and to allow regulated entertainment until 23:30 hours, both seven days a week. The conditions agreed also included fitting sound insulation, a noise limiting device, ensuring doors and windows be closed during regulated entertainment and the use of external areas to cease at 23:00 hours.

The representative of the applicant outlined the case highlighting that the above conditions had been agreed with Environmental Health and assured residents that as an organisation they had no intention of being open until midnight, seven days a week but were applying for the variation to attract further business to cover the running costs of the building. He advised that the building was air-conditioned and as a Freemasons Lodge, the building would primarily be used for meetings of the nineteen lodges, business meetings and sit down meals. He also referred to an incident in March which he admitted had not been managed as well as it could have been and apologised to the residents present.

Mr Potts, representing the objectors, asked Mr Price a number of questions regarding the website and its content, the incident in March 2009 and referred to the lack of communication between Alderson House and local residents.

Mr Price responded, explaining that the website had been suspended pending an overhaul and advised that he had not had any input into the content, nor had he personally completed the application.

The Chairman asked each interested party to outline their objection and explained that the Panel and applicant would be permitted to ask questions of the interested parties afterwards.

Mr Potts addressed the committee on behalf of Mrs Penrose and listed a number of events that had occurred when Mrs Penrose had been disturbed due to noise.

LICENSING PANEL HEARING MINUTES (Continued)

Mr Edwards addressed the panel on behalf of himself and his wife, and highlighted that they had not experienced problems with previous meetings or dinners and felt that the current use was acceptable. However, he requested that organisations be limited to holding a certain number of events a year as weekly parties would not be acceptable.

Mr Smeaton addressed the panel, expressing the views of himself and his wife, Mr and Mrs Sykes and Mr and Mrs Ratcliffe – all local residents. His objection was based on the grounds of public nuisance in a Conservation Area and he advised of a number of events where he had suffered disturbance from Alderson House.

Mr Penrose addressed the committee and passed round a photograph showing the close proximity of his property to Alderson House. Mr Price, the applicant's representative, agreed to the photograph being shown as per the guidelines. Mr Penrose also referred to the incident in March 2009 and the resulting upset that it caused. He also queried the existence of Temporary Event Notices for the premises in the past.

There were no questions for the interested parties from either the Panel or the applicant.

The applicant's representative then summed up the application reiterating the fact that they had no intention, nor staff capability, to be open for events seven days a week but they did need to expand their business and hoped to attract more wedding receptions. He also confirmed the conditions that had been agreed and assured residents that they had no wish to cause a nuisance to their neighbours.

The Chairman asked everyone to leave at 15.20 to enable the Panel to deliberate and reach its decision.

In taking their decision the panel paid due consideration to the relevant legislation and guidance, application and representations made about it and were satisfied that this application would not have a significant impact upon the licensing objectives.

However the Panel had sympathy with the residents because of the concerns they highlighted with regard to noise nuisance and were mindful of the need to communicate with residents to alleviate a repeat of the March 2009 incident.

Therefore, it was agreed that the licence should be granted as per the application with the addition of the agreed conditions with Environmental Services with a minor alteration to condition 2 to read 'external doors and windows to be kept shut during Regulated Entertainment except during access and egress'.

RESOLVED that the application for a variation be granted subject to the operating schedule and conditions as agreed with Environment Services.

The Chairman invited all parties back into the room and announced the decision of the Panel as set out above.

LICENSING PANEL HEARING MINUTES (Continued)

Councillor Crowther advised the applicant's representative that as an organisation they may wish to consider liaising with residents about upcoming events and be mindful that they needed to give considerable thought as to how they intended to manage the outside areas and the staffing of events.

All parties were reminded that they had the right to appeal this decision to the Magistrates within 21 days of the written notification of the decision and of the opportunity to call the license in for review if the conditions were to be breached.

(The meeting finished at 3.45 pm)