

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 13 October 2011, at the Town Hall, Royal Leamington Spa at 10.00 am.

**PANEL MEMBERS:** Councillors Coker, Mrs Grainger and Mrs Knight.

**ALSO PRESENT:** John Gregory, Mrs Jayne Bailey (Licensing Enforcement Officer) and Graham Leach (Civic & Committee Services Manager).

## 1. APPOINTMENT OF CHAIRMAN

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

## 2. DECLARATIONS OF INTEREST

Minute 3 – Application for a Premises Licence Under the Licensing Act 2003 for the Lower Ground Floor of the LA Fitness, Welton Road, Warwick

There were no declarations of interest but Mrs Grainger explained that the application was in her Ward but she had not received any comments about the application from her constituents.

## 3. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE LOWER GROUND FLOOR OF LA FITNESS, WELTON ROAD, WARWICK

A report from Community Protection was submitted which sought a decision on a premises licence application in respect of the Lower Ground Floor premises, beneath LA Fitness, Welton Road, Warwick..

The Chairman introduced the members of the Panel and the officers present and then asked all other parties to introduce themselves.

Mrs Keyworth was present as the applicant. Mr K Duncan was present to represent the objection to the application from Warwickshire Police.

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

The Licensing Enforcement Officer, Mrs Bailey, 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.

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 sale of alcohol (on the premises)*

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

11:00 to 04:00 Monday to Saturday  
12:00 (midday) to 04:00 Sunday

- *Live music (indoors only)*  
19:00 to 04:00 seven days a week
- *Recorded music (indoors only)*  
19:30 to 04:00 seven days a week
- *Late night refreshment (indoors only)*  
23:00 to 04:00 seven days a week
- *The opening hours are shown as:*  
07:00 to 04:00 seven days a week

The applicant had also submitted an operating schedule, which was detailed in the report, that would form conditions within the licence.

Mrs Bailey, Licensing Enforcement Officer, explained that Environmental Health had reviewed the premises and following consideration had withdrawn their representation about the application. However the objection to the application from Warwickshire Police still stood.

Mrs Keyworth explained that the premises was separate sealed room to LA Fitness and simply shared a postal address. The intention was to have a premises that provided live music in Warwick which stayed open later than the premises in the Town Centre. She explained she had accepted the requested revised hours and conditions from Warwickshire Police and was working on potential travel arrangements from Warwick Town Centre including minibus and/or taxi scheme. The premises would focus on guitar based music such as the beatles and kinks with a jazz/blues night on a Sunday and she would be aiming for clientele base of people in their mid twenties upwards.

Mr Duncan explained to the Panel that the applicant had accepted the revised hours and conditions and it was only because the Licensing Authority had not been informed of this. Mr Duncan explained that there were two errors in their proposed revised hours because the start time should be 23:00 and not 07:00.

The Chairman asked all parties to leave the room at 10.23am to enable the Panel to consider the information submitted to them and determine the application.

The Council's Solicitor highlighted to the Panel that the condition on CCTV should be amended to ensure the standard of CCTV was maintained, and the incident log condition should provide examples and not an exhaustive list of what should be recorded. In addition he explained that the applicant had failed to apply for the provision of facilities for dancing and he was of the opinion that this could not be included as an additional regulated activity in their decision.

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

**RESOLVED** that the application be granted in line with revised application as agreed with Warwickshire Police as set out below:

Live Music & Recorded Music

Sunday to Wednesday 19:00 – 01:00

Thursday 19:00 to 02:30

Friday & Saturday 19:00 – 02:30

Late Night Refreshment

Sunday to Wednesday 23:00 – 01:00

Thursday 23:00 – 02:00

Friday and Saturday 23:00 – 02:30

Sale of Alcohol (On the premises)

Sunday to Wednesday 12:00 – 01:00

Thursday 12:00 to 02:00

Friday & Saturday 12:00 – 02:30

Hours the premises are open to the public

Sunday to Wednesday 07:00 – 01:30

Thursday 07:00 to 02:30

Friday & Saturday 07:00 – 03:00

Subject to the following conditions:

- (1) The Operating schedule as set out in the application;
- (2) The additional conditions as follows under prevention of crime and disorder
  - (i) The Venue has a zero tolerance towards drugs, and any person found in possession of illegal substances will be detained and the police will be notified. Posters will be displayed at the entrance points reinforcing this policy
  - (ii) CCTV to be installed and maintained to the current British Standard BS7958. This consists of: Cameras shall cover all public areas with no blind spots; head and facial recognition coverage; recordable and retained for a minimum of 31 days; at least one member of staff should be on duty at all times who can operate, access, and download the images on request of the police or local authority; images will be recorded in real time, ideally 25 frames per second, but a minimum of 12 frames per second;
  - (iii) An incident log shall be kept by staff outlining all incidents within the premises such as refusals of entry, removal of persons from the premises, anti social behaviour, etc. They should also, if possible, record details of all persons

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

- refused service as a result of age, or the lack of ID/proof of age documentation. This log shall be available to Police or Warwick District Council officers upon request;
- (iv) Any person who appears to intoxicated or who is behaving disorderly will not be allowed entry to the venue;
- (3) The additional conditions as follows under public safety
- (i) Security staff will be on duty from 20:00 until close and there will be a minimum of three doorstaff on duty on any night where live or recorded music is provided after 20:00. All security staff employed at the venue will be SIA registered and badged. On all other nights a single SIA doorman will be employed at the premises.
- (ii) Premises to keep a register of all SIA door staff working hours together with their individual door staff SIA badge numbers;
- (iii) Any person employed on the door of the premises as doorstaff shall be supplied with a clicker to record all persons entering and leaving the venue
- (iv) No open vessels shall be permitted to leave the premises at anytime
- (4) The additional conditions as follows under the prevention of public nuisance
- (i) At the end of the evening an announcement must be made asking the customers to leave the area quietly and for consideration to be given to local residents. Signs should also be displayed at the exit reinforcing this request;
- (ii) Drunkenness or disorderly behaviour will not be tolerated, and any such person shall be required to vacate the premises by Security Staff.
- (iii) A maximum of six persons shall be permitted to use a designated smoking area at the entrance. This area is to be clearly marked and controlled by an SIA member of the doorstaff.
- (iv) No admission to premises after 00:00
- (5) The additional conditions as follows under the Protection of Children from Harm
- (i) The premises shall adopt the Challenge 21 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to

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

any bar severy. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry to the premises who appears to be under 21 will be asked for photographic ID to prove their age.

The only ID that will be accepted is a passport, driving licence with a photograph (this to be checked to ensure that it is not a provisional licence where the bearer could still be under 21) or an accredited proof of age card bearing the PASS mark hologram; and

- (ii) No persons under the age of 18 shall be permitted to the premises save for a private function. On these occasions any children under the age of 18 years must be accompanied by a responsible person who has attained the age of 21. Any person under the age of 18 years showing signs of any alcohol consumption prior to entry, shall not be permitted access to the premises.

At 10:26 am all parties were invited back into the meeting, informed of the decision and were reminded that they had 21 days from the date of publication of this decision to appeal to the Magistrates Court.

(The meeting finished at 10.27 am)