

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Friday 5 August 2016, at the Town Hall, Royal Leamington Spa at 10.00am.

**Present:** Councillors Mrs Cain J.P., Gill and Weed.

**Also Present:** Mr Gregory (Council's Solicitor), Miss Carnall (Senior Committee Services Officer) and Mrs Dudgeon (Licensing Enforcement Officer).

## 1. **Appointment of Chairman**

**Resolved** that Councillor Mrs Cain be appointed as Chairman for the hearing.

## 2. **Declarations of Interest**

Councillor Mrs Cain declared an interest because a member of her family worked at Warwick Castle.

## 3. **Application for a Premises Licence under the Licensing Act 2003 for Knight's Village, Warwick Castle, Warwick**

The Panel considered a report from Health and Community Protection which sought a decision on an application from Ms Lawson, Senior Hotel Operations Manager for Merlin Operations Attractions Limited.

The Chair, members of the Panel and officers introduced themselves. The applicant introduced himself as Mr Blofeld, Divisional Director at Warwick Castle, there on behalf of Ms Lawson.

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

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

An application had been submitted for the Knight's Village, situated within the grounds of Warwick Castle. The village consisted of wooden lodges, seasonal tented accommodation and a restaurant/function room. Warwick Castle had held a premises licence since November 2011 which covered the whole site, including the Knights Village area.

However, due to the layout changes for the village, the applicant had decided to apply for a new, separate licence to cover the village only. A colour map showing the entire Warwick Castle site and distinguishing between the existing licensed area and the proposed Knight's Village area, was distributed at the meeting, together with a plan of the restaurant/function room.

The application was for the following licensable activities:

<b>Opening Hours of the premises</b>	<b>Sale of alcohol for on and off the premises</b>	<b>*Plays</b>	<b>Films</b>
24 hours	From 08:00 to 23:00	Indoors from 07:00 to 21:00 Outdoors from 08:00 to 20:30	Indoors from 08:00 to 00:00

<b>*Live Music</b>	<b>*Recorded Music</b>	<b>*Performance of dance</b>
Indoors from 08:00 to 23:00 Outdoors from 08:00 to 20:30	Indoors from 08:00 to 02:00	Indoors from 08:00 to 21:00 Outdoors from 08:00 to 20:30

<b>Anything of a similar description to live music, recorded music or performance of dance</b>	<b>*Indoor Sporting events</b>	<b>Late night refreshment</b>
Indoors from 08:00 to 23:00 Outdoors from 08:00 to 20:30	From 08:00 to 23:00	Indoors and outdoors from 23:00 to 02:00

An operating schedule had been submitted by the applicant and would form part of any license issued. This was detailed in section 3.3 of the report. The report advised that representations had been received from 13 people who lived within the vicinity of the premises, and these were attached as appendices 2 to 14.

Following discussions with Environmental Health, conditions had been agreed and would be added to any licence issued. The four conditions were detailed in paragraph 3.5 of the report.

The applicant was invited to address the panel and outline the application. Mr Blofeld explained the desire to licence the Knight's Village area separately to the rest of the Warwick Castle site. He explained that the alcohol sales would take place in the restaurant and would only be made to guests who were eating in the restaurant.

Mr Blofeld advised that this was a family-based dinner setting. He explained that the venue was currently operating under a Temporary Event Notice and to his knowledge they had not received a single complaint or issue relating to alcohol..

Mr Blofeld recognised that since starting the 'glamping' provision in 2013, Warwick Castle had received complaints relating to entertainment noise, but staff had acted quickly to resolve these issues. Mr Blofeld advised that the original application was incorrect because no licensable activities would continue after 23:00, apart from Late Night Refreshment, which was solely to be able to provide teas and coffees to guests. He explained that a 23:00 curfew was in place and the venue would be providing a number of children's activities during the daytime.

Mr Blofeld assured Members that there was a successful management plan in place and reminded them that approximately 30% of guests also went into Warwick Town Centre when staying at the castle.

Following questions from the Panel, Mr Blofeld confirmed that no alcohol would be served after 23:00, but the late night refreshment aspect was being requested until 02:00. He also assured Members that the Knight's Village customer base was families and young children.

In response to a question from Councillor Gill, Mr Blofeld stated that there would be no need for the provision of films and he was happy for the application to be amended to reflect this.

The Chairman then invited the interested parties to put forward their objections.

Ms Highland, a resident of Stuart Close, outlined her and her husband's objection and detailed the noise nuisances that they currently suffered from, including noise from delivery trucks, loud traffic controller staff who communicated by shouting instead of using radios, and the blowers used to clear the walkways. She made reference to the Grade 1 listed aspect of the castle and felt that the development of the Knight's Village could be detrimental to the character of the building. Whilst noting that the overnight accommodation was aimed at families, she raised concerns that the late night refreshment licence would encourage large groups, such as 'Stag and Hen Do's', to continue to make noise up to 02:00 in the morning.

Ms Highland was also concerned that the low level lighting proposed in the original planning application had not been adhered to, and found the current lighting very intrusive.

In response to a question from the Panel, Ms Highland confirmed that she was content with the alcohol licence until 23:00, but was not happy with the late night refreshment licence continuing until 02.00.

In addition, Ms Highland advised that her and her husband kept a record of the disturbances and had made complaints to Environmental Health in the past. She stated that they found the late night deliveries disturbing and had made a log of foresters beginning work at 07.30, which she did not find acceptable.

The applicant did not have any questions for Ms Highland.

The second interested party to address the Panel was Mr Murphy, also a resident of Stuart Close. He requested clarification regarding the statement made in the report relating to amplified music, which appeared contradictory.

The Licensing Enforcement Officer explained that following deregulation, any premise could play amplified music up to 23:00 without a licence.

Mr Murphy outlined his objection and explained that he had worked in the area for over 33 years and had dealt with a number of noise complaints whilst working for the Ford Motor Company. He felt that the noise he and his wife encountered was detrimental to their health, and Merlin had no regard for the neighbours. Having heard a commotion and shouting at 20:30 one night, he had spoken to the security guard who advised him that he must have been mistaken.

Mr Murphy felt that there were enough places to purchase alcohol from in the vicinity and, as a family orientated venue, the Knight's Village did not need to provide this facility. In his opinion, an alcohol licence would lead to increased noise which would affect his family's health, and he stated that he was unable to

sit in his own garden peacefully between 08:00 and 23:00 due to the noise generated by visitors and staff at the castle. In addition, he explained that there were a number of elderly residents in Stuart Close who were also unhappy with the application, but who did not want to have to write letters or attend hearings. He was disappointed that they had to live next door to such levels of noise and felt that Merlin would only continue to increase the activities they provided.

In response to a question from Councillor Gill, Mr Murphy confirmed that originally Stuart Close had been a quiet place to live, but the noise problems had started five years ago. He also stated that he had made complaints to Environmental Health in the past, but these had not been very successful.

Councillor Mrs Cain asked Mr Murphy if the noise was currently intolerable. He stated that it was, and he anticipated that the licence application, if granted, would only make it worse. Mr Murphy also advised that planning conditions were not being adhered to and the main gates of the castle were not being locked, resulting in more people being able to walk in and cause disturbance.

The applicant was invited to sum up and again reiterated that this was a separate licence to the rest of the Warwick Castle site. He stated that the Knight's Village was designed and was operating as a family friendly venue, accommodation had to be booked on a bed and breakfast basis and the restaurant was run through bookings only.

Mr Blofeld assured the Panel that there were systems and processes in place to manage the site, and staff worked carefully to try to monitor any noise issues.

At 10.37am, the Chair asked all parties other than the Panel, the Council's Solicitor and the Senior Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

Prior to leaving the room, Mr Blofeld clarified the licensable activities being applied for with the Licensing Enforcement Officer. The amended application renounced the request for the provision of films and performance of dance, and reduced the timings of the provision of recorded music to 23.00.

**Resolved** that the licence is granted subject to sales of alcohol being prohibited before 10.00 and the exclusion of Late Night Refreshment, for the following reasons:

The Panel has considered the representations made in writing, and orally at this hearing. It has also considered the Council's Licensing Policy and the guidance issued under Section 182 of the Licensing Act.

The Panel notes that the application has been amended and that the only Licensable Activity that is intended to extend beyond 23:00 is the Provision of Late Night Refreshment. Further, the Panel notes that the showing of films and the performance of dance has been removed from the application altogether. For the avoidance of doubt, the Panel has considered the application on this basis.

Again, for the avoidance of doubt, the Panel has only considered representations to the extent that they relate to

the Licensing Objectives, and has not considered matters that only relate to the earlier planning application.

The Panel considers the main issue to be whether or not the grant of this licence would adversely affect the Licensing Objective of the Prevention of Public Nuisance, primarily noise nuisance. In this respect, the Panel has given significant weight to the fact that the Council's Environmental Health Department has no objection to the application and has not supplied any details of substantiated complaints about the premises as they are presently run.

However, the Panel also recognises that a number of local residents are concerned that the grant of the licence would cause them unacceptable levels of noise nuisance, and it takes these concerns extremely seriously. Whilst some of the concerns expressed are, by the speaker's own admission, speculative, and relate to what might happen in the future, the Panel is satisfied that there has been some noise nuisance caused by loud voices and shouting coming from the premises, and that such disturbance would be unacceptable at particular hours of the day.

The Panel has therefore decided that the element of the application for the Provision of Late Night Refreshment until 02.00, should be refused. This is because the Provision of Late Night Refreshment to this time would be highly likely to cause people who have consumed alcohol to linger in the area, and to cause noise disturbance when making their way back to their accommodation. The Panel considers that this level of noise would be unacceptable after 23.00, and that neighbours have provided credible evidence that such noise would be disturbing to them.

Similarly, the Panel has decided that the sale of alcohol should be excluded before 10:00. Again, this is because the Panel considers that there is some evidence of noise caused by shouting and loud voices, which would be unacceptable this early in the morning.

However, on balance, the Panel considers that there is insufficient evidence that the Licensing Objectives would be adversely affected by the grant of the licence, so far as it relates to activities up until 23:00.

The licence is therefore granted subject to sales of alcohol being prohibited before 10:00 and the exclusion of Late Night Refreshment.

Finally, the Panel has decided that the four conditions requested by the Council's Environmental Health Department set out on Pages 3 and 4 of the Agenda are appropriate, in order to prevent any potential noise

nuisance. Consequently, these conditions will be attached to the licence.

At 11.29am, all parties were invited back into the room, at which time the Council's Solicitor read out the Panel's decision.

All parties were advised that they had the right to appeal within 21 days of the formal decision being published.

(The meeting ended at 11.35am)