

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Monday 4 October 2010, at the Town Hall, Royal Leamington Spa at 2.00pm.

**PANEL MEMBERS:** Councillors Coker, Vincett and Wilkinson.

**ALSO PRESENT:** John Gregory (Council's Solicitor), David Davies (Licensing Services Manager), Jayne Bailey (Licensing Enforcement Officer) and Emma Millward (Committee Services Officer).

## 1. APPOINTMENT OF CHAIRMAN

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

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. APPLICATION FOR A VARIATION UNDER THE LICENSING ACT 2003 FOR A PREMISES LICENCE FOR THE PARK TAVERN, LAKIN ROAD, WARWICK

A report from Community Protection was submitted which sought a decision on a variation to a premises licence for The Park Tavern, Lakin Road, Warwick.

The Chairman introduced the members of the Panel and other officers present and then asked those present to introduce themselves. They were the applicants, Mr Martin Bailey from Everards Brewery and Nick Wormald from the Wild Boar Pub Company, Peter Lawson from Environmental Health, David Sternberg and Keith Harvey, who were both objecting to the application.

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 variation 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 vary the current premises licence. There were also two conditions attached to the licence which would remain in place on any varied licence.

The application asked to vary the following:

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

### Current Licence

	<b>Sale of Alcohol</b>	<b>Recorded Music (Indoors only)</b>	<b>Opening Hours</b>
<b>Monday</b>	11:00 – 00:00	11:00 – 23:00	11:00 – 00:00
<b>Tuesday</b>	11:00 – 00:00	11:00 – 23:00	11:00 – 00:00
<b>Wednesday</b>	11:00 – 00:00	11:00 – 23:00	11:00 – 00:00
<b>Thursday</b>	11:00 – 00:00	11:00 – 23:00	11:00 – 00:00
<b>Friday</b>	11:00 – 01:00	11:00 – 00:00	11:00 – 01:00
<b>Saturday</b>	11:00 – 01:00	11:00 – 00:00	11:00 – 01:00
<b>Sunday</b>	11:00 – 00:00	11:00 – 19:00	11:00 – 00:00

1. Supply of alcohol for consumption indoors only after 23:00 and outside area to be vacated by this time.
2. All doors and windows to be shut at 23:00 (except egress & entry) to reduce risk of nuisance to residents.

The conditions attached to the current premises licence that would remain in place on any varied licence are:

(Differences shaded)

	<b>Live Music (Indoors and outdoors)</b>	<b>Recorded Music (Indoors)</b>	<b>Plays (Indoors and outdoors)</b>	<b>Films (Indoors)</b>
<b>Monday</b>	12:00 – 23:00	11:00 – 23:00	12:00 – 23:00	12:00 – 23:00
<b>Tuesday</b>	12:00 – 23:00	11:00 – 23:00	12:00 – 23:00	12:00 – 23:00
<b>Wednesday</b>	12:00 – 23:00	11:00 – 23:00	12:00 – 23:00	12:00 – 23:00
<b>Thursday</b>	12:00 – 23:00	11:00 – 23:00	12:00 – 23:00	12:00 – 23:00
<b>Friday</b>	12:00 – 00:00	11:00 – 00:00	12:00 – 00:00	12:00 – 00:00
<b>Saturday</b>	12:00 – 00:00	11:00 – 00:00	12:00 – 00:00	12:00 – 00:00
<b>Sunday</b>	12:00 – 22:00	19:00 – 22:00	12:00 – 22:00	12:00 – 22:00

	<b>Performance of dance (Indoors and outdoors)</b>	<b>Facilities for making music (Indoors)</b>	<b>Facility for Dancing (Indoors)</b>	<b>Late night refreshment (Indoors)</b>
<b>Monday</b>	12:00 – 23:00	12:00 – 23:00	12:00 – 23:00	23:00 – 00:00
<b>Tuesday</b>	12:00 – 23:00	12:00 – 23:00	12:00 – 23:00	23:00 – 00:00
<b>Wednesday</b>	12:00 – 23:00	12:00 – 23:00	12:00 – 23:00	23:00 – 00:00
<b>Thursday</b>	12:00 – 23:00	12:00 – 23:00	12:00 – 23:00	23:00 – 00:00
<b>Friday</b>	12:00 – 00:00	12:00 – 00:00	12:00 – 00:00	23:00 – 01:00
<b>Saturday</b>	12:00 – 00:00	12:00 – 00:00	12:00 – 00:00	23:00 – 01:00
<b>Sunday</b>	12:00 – 22:00	12:00 – 22:00	12:00 – 22:00	23:00 – 00:00

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

	<b>Opening Hours</b>
<b>Monday</b>	12:00 – 00:30
<b>Tuesday</b>	12:00 – 00:30
<b>Wednesday</b>	12:00 – 00:30
<b>Thursday</b>	12:00 – 00:30
<b>Friday</b>	12:00 – 01:30
<b>Saturday</b>	12:00 – 01:30
<b>Sunday</b>	12:00 – 00:30

Live music, recorded music, provision of facilities for making music and dancing, late night refreshment hours extended to 02:00 on New Year's Eve.

Hours of opening extended to 02:30 on New Year's Eve.

The existing plans had been varied slightly. The new plan was shown as Appendix 1 to the report, and the existing plan shown as Appendix 2 to the report.

An operating schedule, which would form part of any licence issued was also submitted which explained any steps the applicant proposed to take to promote the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children.

Representation against the variation had been received from Environmental Health and several interested parties.

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.

Mr Bailey, one of the applicants addressed the panel informing them that he was the Area Licensing Manager for Everards Brewery, who owned 178 licensed premises. He explained that the Park Tavern was owned by Everards but would be leased and run by Nick Wormald, from the Wild Boar Pub Company and who would also become the DPS. He went on to say that they understood the concerns of the people who made representations and wanted to work with them.

Nick Wormald addressed the panel and explained that they wanted the Park Tavern to become a high quality pub that had waiter service, film clubs, music events, a folk club and that was able to hold disco's for special occasions. He told the Committee that they had purchased a noise limiter and wanted Environmental Health to assist in fitting and setting its limit. Mr Wormald also informed the Committee that they wanted to change the hours applied for to those set out below:

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

### Sale of Alcohol

<b>Day(s)</b>	<b>Hours</b>
Monday to Thursday	11:00 to 23:00
Friday and Saturday	11:00 to 00:00
Sunday	11:00 to 22:00

The applicants answered questions from the panel confirming that they did not intend to have parties and events on every night and that they asked for this licence to allow them flexibility but, that they wished to work with the local community to ensure minimum nuisance was caused. They also confirmed that they wanted a 30 minutes drinking up time and that all regulated entertainment would be indoors and cease at 23:00 hours.

The Chairman asked Peter Lawson, the Environmental Health Officer, to outline his objection and explained that the panel and applicant would be permitted to ask questions of the interested party afterwards.

Peter Lawson outlined his objection explaining that the premises were situated in a residential area and within close proximity to occupied houses. He emphasised that the outside area should not be used after 23:00 hours and that, in his opinion, the premises should be closed by midnight to limit the nuisance caused to those people living nearby.

There were no questions for the responsible authority from the Panel or the applicant.

The Chairman then asked Dave Sternberg, who lived near the premises and was speaking on behalf of a number of residents, to outline his application. Mr Sternberg explained that the room at the rear of the premises, which had been used for regulated entertainment, had no soundproofing and therefore any noise produced inside the premises escaped easily and caused a nuisance. He also expressed concern regarding children in the area being kept awake at night by people leaving the premises.

Mr Keith Harvey, who also lived near to the premises, thanked the applicant for taking the time to meet with residents and for the changes that they had offered in the reduction of the hours applied for. He asked that a noise limiter be fitted to help control any nuisance that could be caused.

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

The applicants then summed up their application confirming the hours they wished to apply for and the conditions that they had already accepted that had been requested by Environmental Health.

The Chairman asked the applicants, the interested parties and the licensing officers to leave the room at 3.25pm 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 the representations made about it.

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

After hearing representations from the applicants and the interested parties the Panel felt that they had heard evidence of potential public nuisance but that this could be addressed by granting the variation in the form agreed by the applicant during the hearing, and by imposition of conditions also agreed by the applicant and Environmental Health.

### **RESOLVED** that:

- (1) the licence be granted for the following hours:

#### Sale of Alcohol

Monday to Thursday from 11:00 to 23:00

Friday and Saturday from 11:00 to 00:00

Sunday from 11:00 to 22:00

Live Music, Recorded Music, Plays, Films,  
Performance of Dance, Facilities for making  
music, facility for dancing (All Indoors)

Monday to Saturday from 12:00 to 23:00

Sunday from 12:00 to 22:00

Late night refreshment

Friday and Saturday from 23:00 to 00:00

Opening Hours

Monday to Thursday from 11:00 to 23:30

Friday and Saturday from 11:00 to 00:30

Sunday from 11:00 to 22.30; and

Hours of opening extended to 02:30 on New  
Year's Eve.

Live music, recorded music, provision of facilities  
for making music and dancing, late night  
refreshment hours extended to 02:00 on New  
Year's Eve.

- (2) subject to the following additional conditions as  
agreed between the applicant and Environmental  
Health;
- (a) any live or recorded music is not to be  
audible such as to cause a nuisance in the  
adjoining premises or at the facade of any  
noise sensitive premises; and
- (b) noise limiter to be installed in the function  
room and to be operated at a level  
satisfactory to the District Council's  
Environmental Health Department.

All parties were reminded that they had 21 days from the date of this decision to appeal to the magistrate's court.

**LICENSING PANEL HEARING MINUTES (Continued)**

(The meeting finished at 3.40pm)