

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Friday 6<sup>th</sup> August 2010, at the Town Hall, Royal Leamington Spa at 10.00am.

**PANEL MEMBERS:** Councillors Crowther, Vincett and Wilkinson

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

## 1. **APPOINTMENT OF CHAIRMAN**

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

The Chair introduced himself, other Members of the Panel and Officers, and asked the other parties to introduce themselves.

## 2. **DECLARATIONS OF INTEREST**

Minute Number – Application for a premises licence under the Licensing Act 2003 for Kenilworth Rugby Football Club, Glasshouse Lane, Kenilworth

Councillor Vincett declared a personal interest because he was Ward Councillor for the area concerned and his residence was situated within the vicinity of the premises.

## 3. **APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR KENILWORTH RUGBY FOOTBALL CLUB, GLASSHOUSE LANE, KENILWORTH**

A report from Community Protection was submitted which sought a decision on a premises licence for Kenilworth Rugby Football Club, Glasshouse Lane, Kenilworth.

The Chairman introduced the members of the panel and other officers present and then asked those present to introduce themselves, they were the applicant, Willie Whitesmith, the applicant's representative, Ben Judge, a solicitor from Smith Jones', Chris Davis of the Environmental Health Department, Penny Clarke and Inspector Richard Woodcock from Warwickshire Police.

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.

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.

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

The report from Community Protection which was submitted to the Panel presented an application to permit the following:

- ***Plays and Films Indoor Sporting events (indoors)***

17:00 to 01:00	Monday to Thursday
17:00 to 03:00	Friday
11:00 to 03:00	Saturday to Sunday

- ***Live music, recorded music, performance of dance, anything similar, making music, dancing, anything similar and the sale of alcohol (all indoors and outdoors, including the use of a marquee)***

17:00 to 01:00	Monday to Thursday
17:00 to 03:00	Friday
11:00 to 03:00	Saturday to Sunday

- ***Late night refreshment (on and off the premises)***

23:00 to 01:00	Monday to Thursday
23:00 to 03:00	Friday
23:00 to 03:00	Saturday to Sunday

- ***The opening hours are shown as:***

17:00 to 01:00	Monday to Thursday
17:00 to 03:00	Friday
11:00 to 03:00	Saturday to Sunday

All extended to Saturday hours on Bank Holidays and New Years Eve if these days fall in the week.

An operating Schedule, which would form part of any licence issued was also submitted.

Representations against the application had been received from Environmental Health, Warwickshire Police, the Department responsible for the protection of children from harm and various other interested parties. These objections were attached as appendices to the report.

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 Whitesmith addressed the panel, giving some background history of the club and stating that this application had been prompted by desire to cater for the parents attending with the mini rugby and junior sections on a Sunday morning. The club had an existing club premises certificate which allowed sale of alcohol, regulated entertainment indoors only and detailed the opening hours. Mr Whitesmith explained that the current certificate

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

didn't allow the club to serve any of the parent's with refreshments prior to 12 noon on Sunday and an earlier licence would give the club the opportunity to increase their business.

He also stated that following discussions with the Police and Environmental Health, he was happy to taken on board their concerns and had agreed a number of new conditions as detailed below:

- The premises will be operating it's premises licence as a members only club
- Members of the public are only permitted into the club by invitation and must be signed in by an existing member
- All off sales will be permitted to members only

In addition to this the Police had requested 5 conditions in their objection but were willing to forgo the first condition regarding the provision of CCTV if the above conditions were agreed.

Mr Morris asked questions of the applicant and pointed out that the notice displayed on the premises was incorrect and that the procedure had not been followed.

Mr Lucas confirmed to the Committee that the correct notice had been displayed on the premises and in the local newspaper.

The Licensing Services Manager also confirmed that he had been to the premises and at the time the notice displayed had been correct.

The Councils Solicitor asked Mr Morris if due to this he would like the meeting to be adjourned until a further date, which he declined.

The Chairman asked the interested party, Mr Morris, to outline his objection and explained that the Panel and applicant would be permitted to ask questions of the interested party afterwards.

Mr Morris outlined his objection explaining that the premises was surrounded by housing whose residents were disturbed by unreasonable noise made by people when leaving the premises. He also pointed out that people stood outside the premises smoking during the evening which also caused noise to residents. He informed the Panel that previous complaints had been made to the premises regarding the noise nuisance but that nothing had been done.

The applicant's representative then summed up the application reiterating that under the previous licence no complaints had been received and no enforcement action had been taken. He pointed out that if any complaints or problems occurred then the Responsible Authorities would be able to visit the premises and take action. Mr Lucas also referred to the case of *Thwaites v Wirral Borough Magistrates' Court*. He concluded by asking the panel to grant the Licence.

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

The Chairman asked the applicant, his representative, the licensing officers and the interested party to leave the room at 11.00am 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.

After considering the report before it, the representations of the applicants solicitor and the interested parties the panel felt that it had heard no evidence that any of the four licensing objectives would be adversely affected by the grant of this licence in the form applied for.

The panel therefore resolved to grant the licence for the hours stated in the officer's report as applied for by the applicant.

**RESOLVED** that the licence be granted.

All parties are reminded they have 21 days to appeal this decision to the magistrates court.

5. **APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR KAYAL, 42 REGENT STREET, LEAMINGTON SPA WHEN CONDITIONS HAVE BEEN AGREED.**

A report from Community Protection was submitted which sought a decision on a premises licence for Kayal, 42 Regent Street, Leamington Spa.

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 following:

The sale of alcohol (on the Premises)	12:00 to 01:00 Seven days a week
Recorded music	12:00 to 01:00 Seven days a week
Opening Hours	12:00 to 01:00 Seven days a week

An operating Schedule, which would form part of any licence issued was also submitted.

Representations from Warwickshire Police, Environmental Health and three interested parties had been received. The applicant accepted the conditions put forward by Warwickshire Police and Environmental Health, who upon agreement withdrew their representations.

The Conditions put forward by Warwickshire Police and agreed by the applicant were:

- (1) No live or recorded music
- (2) The opening hours to be 12:00 to 00:00 seven days a week.
- (3) The sale of alcohol to be 12:00 to 23:00 seven days a week.

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

- (4) CCTV to conform to British Standards and UK Police digital CCTV Specifications – with live time recording and to be installed in positions agreed with Community Safety/Architectural.
- (5) No open vessels to leave the premises at any time.
- (6) All external gardens, balconies and seted areas to be cleared by 23:00
- (7) All windows and doors, including the windows in the conservatory area to be kept closed after 23:00
- (8) No entry/re-entry to the premises after 23:00
- (9) No persons under 18 years of age inside the premises after 21:00, unless accompanied by a responsible person over the age of 18 years.
- (10) Alcohol to only be by table service and ancillary to a substantial meal.

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.

After considering the report before it, the panel were of the opinion that the licence should be granted subject to the conditions agreed with Warwickshire Police.

**RESOLVED** that the application for a premises licence be granted subject to the operating schedule and the conditions as detailed below:

- (1) No live or recorded music;
- (2) The opening hours to be 12:00 to 00:00 seven days a week;
- (3) The sale of alcohol to be 12:00 to 23:00 seven days a week;
- (4) CCTV to conform to British Standards and UK Police digital CCTV Specifications – with live time recording and to be installed in positions agreed with Community Safety/Architectural;
- (5) No open vessels to leave the premises at any time;
- (6) All external gardens, balconies and seted areas to be cleared by 23:00;

**LICENSING PANEL HEARING MINUTES (Continued)**

- (7) All windows and doors, including the windows in the conservatory area to be kept closed after 23:00;
- (8) No entry/re-entry to the premises after 23:00;
- (9) No persons under 18 years of age inside the premises after 21:00, unless accompanied by a responsible person over the age of 18 years; and
- (10) Alcohol to only be by table service and ancillary to a substantial meal.

(The meeting finished at 11.20am)