

# REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday 20 April 2005 in the Town Hall, Royal Leamington Spa at 2.15 pm.

**Present:** Councillor Mrs Goode (Chair), Councillors Coker, Doody, Gill, Harris, Mrs Knight, Kundi and Windybank.

## 21. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 22. RENEWAL OF PUBLIC ENTERTAINMENTS LICENCE – KELLY’S, COURT STREET, LEAMINGTON SPA

A report from Members’ Services was submitted on an application to renew the Public Entertainment Licence for the above premises which expired on the 4 April 2005.

At its meeting held on 21 March 2005 the Committee considered the renewal of all public entertainment licences which expired on the 4 April 2005.

Objections to the renewal of the licence for these premises from the Council’s Community Safety Manager and the Police had been submitted to that meeting and in the circumstances the Committee had agreed to hold a hearing.

A licence had been in force for these premises for a number of years until 2002 when it lapsed. Application for a new licence was received in November 2004 and following the usual consultation process no objections were received. The Officers had, therefore, issued a licence on the 9 February 2005 under delegated powers. This licence had been issued for the period ending 4 April 2005 when all entertainments licences expired.

A memo from the Community Safety Manager was circulated with the report together with other papers supporting his objection.

Emails from Chief Inspector Jackson were circulated with the report together with a list of reported incidents at the premises. After the despatch of the agenda Chief Inspector Jackson provided further details of the incidents and these were supplied to the applicant and to members prior to the meeting.

A letter from solicitors acting for the applicant, together with enclosures, was circulated with the agenda.

Peter Cutts, the Council’s Community Safety Manager, attended.

Chief Inspector Jackson attended.

## **REGULATORY COMMITTEE MINUTES (Continued)**

The applicant, Mr David Webb, attended, together with his Solicitor, Mr Ian Besant and Natalie Griffiths, Trainee Solicitor.

The Chair introduced all those present.

The representative from Members' Services introduced the item and explained the procedure for dealing with the application. No comments were made on the proposed procedure.

In accordance with the procedure Mr Besant addressed the Committee and he and Mr Webb answered questions from members of the Committee, Chief Inspector Jackson and Peter Cutts.

Peter Cutts then addressed the Committee in support of his objection and answered questions from the Committee and Mr Besant.

Chief Inspector Jackson then addressed the Committee in support of his objection and answered questions from the Committee and Mr Besant.

Mr Cutts was then invited to sum up which he did.

Chief Inspector Jackson was then invited to sum up, which he did.

Mr Besant was then invited to sum up which he did.

**RESOLVED** that under Section 100(a) of the Local Government Act 1972 the Public and Press be excluded from the meeting by reason of the likely disclosure of exempt information (legal advice) within paragraph 12 of Part 1 of Schedule 12(A) of the Act.

The Committee considered all the information presented to it and received advice from the Officers on various matters.

**RESOLVED** that the application for the renewal of the public entertainments licence for Kelly's, Court Street, Leamington Spa, for the period ending 4 April 2006 be approved subject to the same conditions as the expiring licence.

The applicant and the press and public were then invited back into the meeting.

The representative from Members' Services then informed the applicant of the Committee's decision.

## **REGULATORY COMMITTEE MINUTES (Continued)**

The Council's Solicitor reported that he had retired with the Committee to give members legal advice, and that the representative from Members' Services had retired with the Committee to draft their decision. He had given legal advice to the Committee on the provisions of the Local Government (Miscellaneous Provisions) Act 1982, the Human Rights Act 1998 the Licensing Act 2003, hearsay evidence, standards and burdens of proof, acceptable behaviour contracts and anti-social behaviour orders. He explained that the Committee had approved the application as there was no proof submitted that the applicant had been aware of the fly-posting and the applicant had subsequently taken action to discourage acts appearing at the premises from fly-posting. Nor was there any proof of serious problems of disorder at the premises.

(The meeting ended at 5.15 pm.)