

LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Tuesday 12 October 2010, at the Town Hall, Royal Leamington Spa at 2.00pm.

PANEL MEMBERS: Councillors Crowther, Mrs Gallagher and Mrs Higgins.

ALSO PRESENT: David Davies (Licensing Services Manager), John Gregory (Council's Solicitor) and Graham Leach (Senior Committee Services Officer).

1. APPOINTMENT OF CHAIRMAN

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest but Councillor Crowther observed that the Salon, 75 Warwick Street was within his Ward.

3. PUBLIC AND PRESS

A request was made by Penny Clarke, on behalf of Warwickshire Police, that James Guiden and Sharon Roden be excluded from the hearing because they were not relevant to the application. Peter Lockley stated that they were required because the case had a direct bearing upon them. The Panel considered this request and declined the application by Warwickshire Police.

RESOLVED that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within paragraph 1 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

4. REVIEW OF THE PREMISES LICENCE FOR GRISTMILL, CHESTERTON DRIVE, ROYAL LEAMINGTON SPA

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

Peter Lockley, a solicitor from Blythe Liggins was present and had been instructed to represent Mark Roden and his wife Sharon Roden. James Guiden was also in attendance as the Designated Premises Supervisor.

Keith Duncan, Penny Clarke and Inspector Stuart Bosworth from Warwickshire Police, as the applicants and Karen Hughes a solicitor representing Marstons Brewery as an interested party, were also present.

LICENSING PANEL HEARING MINUTES (Continued)

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 in the summary along with the representations at the hearing, and determine what changes, if any, were required to the premises licence.

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 Police explained that following legal advice they had withdrawn their previous request to have interim steps confirmed because this was unlawful. Instead they requested that the licence be suspended until the Roden family had left the premises, up to a maximum of three months, and CCTV be installed at the premises.

The Police explained the reasoning behind their application and why they felt that it was necessary for these conditions to be applied. This was because of an ongoing investigation into an incident at the premises on 30 September 2010 and also that the investigation into the original incident had not been concluded.

There were no questions from the Panel at this stage and the Police responded to questions from Mr Lockley which related to the ongoing investigations by Warwickshire Police.

Mr Lockley submitted the case for the licence holders and explained that it was a family pub which served food and drink. His clients were sensible people and had abided by the interim measures and would continue to do so. It was the intention that they would leave the premises on 8 November and it was important to remember this was their home as well as business. Mr Lockley also highlighted that no further incidents had occurred since 30 September 2010.

At this point Chris Rhead from Martsons Brewery arrived.

Mr Lockley responded to questions from the Panel and the Police regarding the two incidents that had occurred at the premises.

Miss Hughes explained that she was attending as an interested party on behalf of the lease holders Marstons. Marstons were in agreement with the submission of Warwickshire Police but felt that the removal of the DPS was a sufficient remedy. This was because the interim measures stayed in place until the outcome of this hearing had been confirmed either at the 21 days after the decision if no appeals were submitted or until the determination of any appeal against the decision of this hearing.

Marstons had agreed a managed exit with the family and this was seen as the best approach for the premises and all concerned especially as they are leaving their home as well as their business which does take time to arrange.

LICENSING PANEL HEARING MINUTES (Continued)

There were no question from any party for Miss Hughes.

Mr Lockley and Warwickshire Police both summed up their representations and the Chairman then asked all parties to leave while they deliberated and took their decision.

After considering the officers report, representations from the applicant, the interested party and licence holders including the previous DPS the Panel were of the opinion that CCTV should be required at the premises, it was not appropriate for the licence to be suspended or that there was a need for the interim measures to continue

RESOLVED that

- (1) a condition be added to the premises licence to install and operate recordable CCTV to the current BS7958 standard including head and facial recognition. All recordings must be retained for 31 days and these to be accessible to the police within 24 hours of request;
- (2) it is not a proportionate or necessary action for the licence to be suspended; and
- (3) the interim steps at the 24 September hearing will cease to have effect from the date of this decision coming into force.

Press, public and all other parties were invited back in at 4.00pm, notified of the decision and reminded of their right to appeal this decision to the magistrates within 21 days of the decision notice.

5. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSIGN ACT 2003 FOR THE SALON, 75 WARWICK STREET, ROYAL LEAMINGTON SPA WHEN CONDITIONS HAVE BEEN AGREED

The Panel considered a report from Community Protection which set out an application under the Licensing Act 2003 were conditions had been agreed with the responsible authorities.

The Licensing Services Manager outlined the report and asked the Panel to consider all the information in the summary along with the representations at the hearing, and determine what changes, if any, were required to the premises licence.

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.

Mr P Bhachu had applied for a licence for the Salon, 75 Warwick Street, Royal Leamington Spa, to enable the Sale of Alcohol for consumption on the premises Monday to Saturday 12:00 to 18:00.

LICENSING PANEL HEARING MINUTES (Continued)

An operating schedule had been submitted, as set out in the report, and would form part of the license.

Conditions had been agreed with Warwickshire Police and Environmental Health as follows:

- No recorded music. The music supplied by the premises shall be background music only.
- Alcohol shall only be supplied to customers attending the premises primarily for beauty/hair treatments.
- No alcohol to be sold – it may be only be complimentary to treatments.
- No open vessels to leave the premises at any time.
- Challenge 21 to be adopted and advertised on the premises.
- No alcohol shall be supplied by any person or employee who has not reached the age of 18 years.

RESOLVED that the premises licence for the Sale of Alcohol for consumption on the premises Monday to Saturday 12:00 to 18:00 be approved subject to the following conditions:

- (1) no recorded music. The music supplied by the premises shall be background music only;
- (2) alcohol shall only be supplied to customers attending the premises primarily for beauty/hair treatments;
- (3) no alcohol to be sold – it may be only be complimentary to treatments;
- (4) no open vessels to leave the premises at any time;
- (5) challenge 21 to be adopted and advertised on the premises; and
- (6) no alcohol shall be supplied by any person or employee who has not reached the age of 18 years.

(The meeting ended at 4:05 pm)