

# Licensing & Regulatory Panel

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

**Present:** Councillors Ashford, Gill and Miss Grainger.

**Also Present:** Mr Lucas (Council's Solicitor), Mr Leach (Democratic Services Manager & Deputy Monitoring Officer) and Mrs Dudgeon (Licensing Enforcement Officer).

1. **Appointment of Chairman**

**Resolved** that Councillor Miss Grainger be appointed as Chairman for the hearing.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Application for a Premises Licence under the Licensing Act 2003 for Old Shire Hall, Northgate Street, Warwick**

The Panel considered a report from Health and Community Protection which sought a decision on an application from Ms K Birla on behalf of Warwickshire County Council for Old Shire Hall, Northgate Street, Warwick.

The Chair, members of the Panel and officers introduced themselves. The applicant's representative introduced himself as Mr P Kolvin. The objectors introduced themselves as Miss S Clover (representing the Joburn Family), Mr Rodgers, an acoustics expert for the Joburn Family, Mr A Brown, Mr T Morris and Mrs Adkins.

The Democratic Services & Deputy Monitoring Officer explained that because the applicant was Warwickshire County Council it was considered not appropriate for Warwick District Council to use its shared legal services with Warwickshire County Council. Therefore Warwick District Council had appointed an external expert in this area to provide legal support to the Council. At this point the Council's Solicitor explained the procedure that the hearing would follow.

The Licensing Enforcement 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.

The Licensing Enforcement Officer highlighted the additional paperwork that had been circulated and made available to all parties prior to the hearing. This included the reports from Sustainable Acoustics, a statement from Ms K Birla (on behalf of the applicant), photos of Old Shire Hall, Hoare Lee comments and rebuttal of Sustainable Acoustics report and a newspaper article regarding Merlin Entertainments pulling out of the opportunity to manage the venue.

Ms Birla, on behalf of Warwickshire County Council, had applied for a premises licence for Old Shire Hall, Northgate Street, Warwick on 29 June 2016.

The premises licence was for a Grade 1 listed building comprising of a main hall, three court rooms, prison cells and a dungeon. Also included was a Grade 2 listed building known as the Judges House. The licensable activities requested by the applicant were:

	Normal Opening Hours	Sale of alcohol for consumption on the premises.	*Plays, Films (indoors only)	*Live Music, *Performance of Dance, Other Activities of a similar description to that of live music, recorded music or performance of dance (indoors only)	*Recorded Music (indoors only)
Sunday to Thursday	08:00 to 00:00	09:30 to 00:00	10:00 to 00:00	09:30 to 00:00	09:30 to 00:00
Friday and Saturday	08:00 to 01:00	09:30 to 01:00	10:00 to 01:00	09:30 to 01:00	09:30 to 01:00
	New Year's Eve and every Thursday in December from 08:00 to 01:00	New Year's Eve from end of permitted hours until 01:00 on New Year's Day			New Year's Eve from end of permitted hours until 01:00 on New Year's Day.

The report highlighted that under the requirements of the Live Music Act, live music, recorded music, plays or performance of dance performed to less than 500 people between the hours of 08:00 and 23:00 and where the premises was licensed to sell alcohol for consumption on the premises were classified as not licensable activities and therefore not subject to any conditions within the premises licence relating to those activities.

An operating schedule had been submitted by the applicant and was set out in full within the report. If the application was granted this would form part of any licence.

Five representations had been received objecting to the grant of the premises licence, these were attached as Appendices 2 to 6 to the report.

Additional conditions had been agreed with Environmental Health. These conditions would be added to a licence if the application was granted and were as follows:

1. Use of a drum kit, amplified guitar or amplified bass guitar after 21:00 was prohibited within the main hall.
2. All windows and external doors in the main hall would be kept closed when regulated entertainment takes place, except for the immediate access and egress of persons.
3. A direct telephone number for the manager at the premises be publicly available at all times the premises was open. This telephone number would be made available to residents and businesses in the vicinity and would be displayed on the Old Shire Hall website.
4. Noise levels would be monitored on and off site at regular intervals to ensure that noise from activities at the venue did not give rise to a nuisance. The Designated Premises Supervisor or Duty Manager shall undertake a noise risk assessment of any activities at the venue to determine how regularly noise monitoring must take place.

5. For events of 100 guests and greater; security staff would manage guests leaving the complex and after 22:00 hours guests would be directed through the main Shire Hall building via the main doors onto Market Place.
6. To minimise potential noise disturbance, a sound limiting device be fitted to any musical amplification system being used at the premises and set at a level determined by and to the satisfaction of an authorised officer of Environmental Health. The level of the limiter could not be altered without the prior written agreement of the Council's Environmental Health Department.
7. The Designated Premises Supervisor or Duty Manager would ensure that no open vessels would leave the premises at any time.
8. A designated smoking area would be provided in the gardens to the rear of the Old Shire Hall as marked on the plan and guests would be directed to this area. The events team would ensure no more than 10 people at a time congregate in the smoking area to the rear of Old Shire Hall after 22:00 to minimise any potential disturbance to local residents. No guests would be permitted to smoke on Northgate Street.

No representations had been received from; Warwickshire Police; the Fire Authority; Enforcement Agency for Health and Safety; the Licensing Authority; Authority Responsible for Planning; National Health Service/Public Health; Body responsible for the protection of children from harm; or Warwickshire County Council (Weights and Measures).

A plan of the premises had been provided by the applicant and was attached as Appendix 7 to the report, a map of the area was attached as Appendix 8 to the report and photographs of the area were attached as Appendix 9 to the report.

The applicant was invited to address the Panel and outline the application. Mr Kolvin, as the applicants' representative, explained that in his opinion the application was not a technical case and a matter of common sense. He explained that the application, which was made by a company completely owned by Warwickshire County Council, was for a variety of uses with the intention to bring the building back into use which had been vacant since the Court Service had relocated to Royal Leamington Spa.

Mr Kolvin confirmed that it was not the intention of the applicant to use the premises as a night club, pub or restaurant, and that the best description of its use would be a civic function suite, therefore in keeping with its fabric as a Grade 1 listed building. The booked events, at present were a parade by the Royal Regiment of Fusiliers, a High Sheriff function, an evening awards ceremony for the Law Society, a two day event for Warwickshire College, a short event for classic conferences and the Warwickshire Police awards.

Mr Kolvin explained that because the premises was owned by Warwickshire County Council and the company operating the premises was owned by Warwickshire County Council the accountability for this licence would be Warwickshire County Councillors. This was a purposeful slow start to operation of the premises that enabled the applicant to monitor noise, both on and off the premises, and to liaise with neighbours over issues.

Mr Kolvin highlighted that there was no intention to have dancing in Old Shire Hall, itself, but if there was to be dancing, this would be in the Octagonal Room, as marked on the accompanying plan. This room would include noise mitigation measures such as curtains and seals on the doors and curtains on the windows.

He added that liaison had taken place with Warwick Town Council and the Warwick Society to ensure they were engaged and their concerns addressed. With regard to noise nuisance overall, the professional advice from Environmental Health was that this could be mitigated by the use of the agreed conditions and in addition to these there would be those within the operating schedule to further mitigate this potential issue. However, he explained that if there was a noise problem raised by neighbours the licence holder would respond as quickly as possible.

Mr Kolvin provided the view that noise from the premises was controlled by the condition not to cause a nuisance. However, in the technical report from objectors, the loudest noise produced was 56db or after 23:00, 39db. The highest reading would be the same as two people having a conversation and after 23:00 would be the same as two people whispering. The applicant could not accept these readings because after measuring his own voice a normal conversation was 65db. He reported the week before the hearing they had undertaken tests in Old Shire Hall and these could not be heard from the other side of Northgate Street.

In addition Mr Kolvin challenged the accuracy of the details within the noise report, for example the width of the road was nearly 6 metres wider than reported, which increased noise loss from the premises to the houses by a further 4db. There had also been tests to quantify the noise loss through the building's windows and doors as at present. The results of these showed that civic functions would not cause a problem in the main hall and the noise within the Octagon, with the proposed further insulation work, would not cause a nuisance. However, if a nuisance was caused the applicant would have to review the operation of the building.

In response to questions from the Panel Mr Kolvin explained that:

- the operator would be a company solely owned by Warwickshire County Council, managed by Kushal Birla and use WCC Staff;
- the basement was included in the plans to enable small tours of the area to interested parties during events, including the dungeons;
- there were seven bookings, one would operate under a Temporary Event Notice (TEN), another TEN was due to be submitted and the others did not require a licence;
- no music would be played in the main hall for people to dance to, the dancing would only be in the Octagonal Room;
- there would be someone on the door of the rear court yard to manage smokers outside;
- the applicant would use the initial events as a trial to test its operation, from this soft marketing would follow, it would then depend on the demand and any problems that occurred to determine viability;
- the applicant recognised that noise was a problem for them to mitigate and not one for residents, especially because of potential limitations on measures that could be taken due to the historic nature of the buildings;
- the capacity of the building was 500 including staff;
- there would be standing capacity of 500 in the main hall but staff were required so this would reduce the overall capacity;
- dining in the Main Hall would limit capacity to circa 200;
- theatre style seating would limit capacity to circa 280;

- there was a condition in place for any event finishing after 22:00 whereby if there were 100 guests or more, the exit would be from the front of Shire Hall;
- it was very unlikely that 500 people would be present for a late night event;
- there could be queues for events but they would be ticket only and no searches so entry should be swift;
- if queues did become an issue in early evening, the applicant would discuss this with residents and would also consider moving the entry to the front of Shire Hall;
- the applicant had not undertaken any noise monitoring for any of the events in the last year, but they had not received any complaints about them;
- it was recognised that there should be a 30 minute drinking up time before closing;
- there was a taxi rank out the front and any other mini cab collection would be directed to the front of Shire Hall; and
- whilst the applicant wanted to exclude drums from the application, there was a need to enable the Royal Regiment Fusiliers to march into the building using drums.

In response to questions from the interested parties, Mr Kolvin explained that:

- the final accountability for the licence would rest with Warwickshire County Councillors;
- the applicant was aware of residential premises in Market Square;
- the Fusiliers event had been attended by circa 300 people, the High Sheriff function was scheduled for circa 350, expected attendance at the Warwickshire College event was for around 200 people, the Law Society dinner for around 140 people, and the Police and Crime Commissioner function around 150 people;
- the Octagonal Room would have its doors closed, less entry and egress while music was played, in addition, an acoustic curtain would be installed to further reduce noise; and
- there would be acoustic windows installed in Old Shire Hall along with rush seals on all the doors.

In response to a further question from the Panel the applicant's representative explained that there would be monitoring of all entries to the Octagonal Room and the installation of the curtain would help provide a double lock on the noise.

At the request of the Chairman, Miss Clover, outlined the representation of the Joburn family.

Miss Clover reminded the Panel of their concerns with regard to the late submissions, in response to her clients' acoustics engineer report, from the applicant and that in their view they had had plenty of time to consider and respond to it.

Miss Clover explained to the Panel that Northgate Street was an iconic part of Warwick. The residential properties opposite Old Shire Hall had originally been residential properties before being converted to offices then back to houses again. The aim of the Planning Authority had been for these to become family homes. The photos provided to the Panel were taken from one of the bedrooms and showed the juxtaposition with WCC which would simply not work.

Miss Clover drew the Panel's attention to the press release, by Merlin Entertainment, dated, April 2013, that stated after undertaking tests on the site

for several months the site was not viable for them. This was from an international business which had significant experience of managing venues. No detail had been included within the main application from Warwickshire County Council to explain who the operator would be, details of acoustic solutions or details of why Merlin failed but WCC could prosper. Therefore these had not been open to full public scrutiny and assessment.

The applicant had had events in the venue over the last 12 months but had failed to undertake any noise testing. When its report was submitted it identified issues that needed to be resolved but no conditions had been submitted to enforce this. This had been followed by the request to revise the application to enable drinking up time and revisions on recorded music. It was Miss Clover's view that this was not an acceptable approach and the applicant should have provided firm details not a "suck it and see" application.

This was compounded by the facts that the application marked the Designated Premises Supervisor as "to be confirmed" so there could not be any scrutiny of the individual in this key role. The company to run the premises had yet to be set up and although a Council owned business, the premises would not be run by Councillors or officers but contractors, nor were any assurances provided that the premises would not be sublet.

Miss Clover highlighted that there was a limit on the works that could be undertaken to a Grade 1 listed building and that the approach of the applicant that "the application of a condition not to cause a nuisance" was not acceptable. All the bands or performances would lead to noise break out, the Octagonal Room was a single glazed room that was overlooked. The conditions provided within the operating schedule were neither precise, nor enforceable.

While the objectors had noted that the front of Shire Hall would be used as the main exit for 100 people or more, it was unclear whether would apply if people left in smaller groups. This was a concern because it was the regular little disturbances that caused the problems and nothing within the application had been included to mitigate against them.

Miss Clover outlined the potential issue of the capacity for dancing in the Octagonal Room. This was because it could only hold 60 people and therefore if there were 250 people how would this be managed effectively, for example would tickets be issued for entry? In addition to these, the room would retain heat due to the noise curtain but there were no proposals to mitigate this heat.

Miss Clover reminded the Panel that once patrons had left the premises the licence holder was not responsible for them, therefore any disturbance caused by patrons away from the premises could not be mitigated through conditions. She highlighted the practicalities of ensuring that patrons left through the correct exit points and questioned the resources required to deliver this safely and effectively for all.

Miss Clover questioned the lack of details about queues entering the building and managing parking for patrons, as both of these would impact on local residents.

Miss Clover summarised that the application felt like a cut and paste application, to try to make a viable business case for a building for which the applicant had run out of options; and questioned if in addition to this, a planning application for

the change of use was required along with listed building consent for the noise attenuation measures.

Miss Clover reminded the Panel that because of the Live Music Act, the conditions regarding amplified or unamplified music (in any form) would not be enforceable before 23:00 unless the licence was reviewed. However for a review to take place, disturbance must have occurred and there was the cost associated with this process that could be prevented by rejecting the application at this stage.

Miss Clover concluded by asking the Panel that at the very least it should reject the application to allow a detailed noise monitoring report to be submitted. She highlighted that at present the only residents in the street were the Joburns, therefore the level of objections would be low. She encouraged the Panel to reject the application so that the applicant could review the hours, provide an acoustic report, establish the company and appoint a DPS.

At the request of the Chairman, Mr Rodgers submitted his representation to the Panel.

Mr Rodgers explained that on examination and testing he had found the area to be very quiet and tranquil which was unusual for a town centre location. The monitoring undertaken measured that while busier in the day the sound levels dropped dramatically in the evening and the only noticeable noise were those of the clock chimes which ceased at 23:00.

He explained that because of these specific circumstances the impact from these events would be significant. There were other specific issues relating to the premises, for example, it was single glazed and the doors would have a high noise escape level. However the greatest factor would be due to the Lombard effect of having a number of people all talking, meaning the volume would be significantly increased. A limiter on the PA was possible but would not mitigate against some factors and would make the venture unviable.

Mr Rodgers explained that it would be almost impossible to contain noise and manage the Octagonal Room and the use of drums in the building would require all doors and windows to be closed.

Mr Rodgers highlighted that any event would increase traffic movement along the road and this would have a significant effect because at present there was little or no traffic present.

In response to questions from the Panel, he explained that:

- he was trying to obtain a copy of the research undertaken by Merlin Entertainment but at present could only base the evidence on the press article;
- there was an impact from the church bells but these chimed earlier in the day; and
- no evidence had been provided that the article from the newspaper was false or incorrect.

In response to questions from the Panel, Mr Joburn explained that:

- the church bells were pleasant and only between 7:00 to 23:00;
- he knew the premises had been empty since 2010 and that the Council was looking for an alternative use;

- he had lived at his home during two events covered by Temporary Event Notices;
- no formal application had been made when he had brought the house;
- he knew that lots of residents were either not aware of the application or had become aware of it after the deadline for objections;
- he had no idea about events taking place before he moved in;
- there had been no noise increase at present, only on one day when an event had taken place and it was a little higher than usual; and
- he recognised there was some noise from the street normally, but it was not significant.

Mr C Smith did not wish to add to his written representation to the Panel because he supported the submission made by Miss Clover. In response to a question from the Panel he confirmed he had not been aware of the events that had already taken place in the building.

At the request of the Chairman, Mr Brown outlined his representation. He explained that he had nothing substantial to add to his written representation and those comments already submitted by fellow objectors.

Mr Brown explained he had become aware of the interest in the site from Merlin Entertainment but was surprised when they withdrew from the scheme. He highlighted that the properties were all built post the great fire of Warwick and were either Grade 2 or Grade 2\* listed.

Mr Brown recognised that the building needed to be brought into reuse, but that the use needed to be appropriate. In his opinion, the application had a feeling of failing to prepare, which was ergo preparing to fail because it lacked the due diligence you would expect from a Council. In his opinion the use in the day time was acceptable but it was the use into the evening which caused the concern.

In response to a question from the Panel, Mr Brown explained that he was not aware of any events that had taken place while the properties were being built.

At the request of the Chairman, Mr Morris submitted his representation to the Panel.

Mr Morris explained that he was a Councillor for this Ward, at both the District and Town Council, and he had noted in the submission from Mr Kolvin, that this was not a technical case but one of common sense. He recognised that difficult decisions had to be taken but these had to be effective and fair.

Mr Morris accepted that the application had followed due process but highlighted that the application had not been widely advertised. At a presentation made to the Town Council, a number of questions and concerns were raised, but the Town Council did not become aware of the actual application until after the deadline for objections had passed.

The Old Shire Hall building was a beautiful building and everyone would like to see it reused for the benefit of all. However there would be an impact from this proposal not just from patrons but also from staff when they left after an event.

Some aspects of the proposals were, in his opinion, hopeful and unfeasible, for example, the restrictions on smoking and how this would be managed, the hope



of traffic direction which was restricted by traffic orders and the impact from taxis for Shire Hall on the residents in this area.

Mr Morris raised concerns about the late circulation of the sound report from the applicant and objectors. The Solicitor for the Council explained that this was acceptable under regulations and all parties had been provided with the information as soon as practicable.

In summary Mr Morris explained that he had found the procedure frustrating and whilst he excepted that planning merits were not for determination by the Panel, he understood from the District Council's conservation officer that permission would be required because the proposed use was a material change of use.

In response to questions from the Panel, Mr Morris explained that:

- he was not an expert in the Licensing Act and making representations, so on becoming aware of the application he had contacted the Town Clerk and Portfolio Holder, as a result of this there was a presentation to the Town Council but the issue was debated by a Committee that did not take place until after the deadline for comments;
- there were learning points from this case for Councillors;
- he had not appreciated, until seeing the photos, of how the buildings were connected to the rear around the Old Post Office development;
- no resident had raised concern with him about events at Old Shire Hall;
- the area was changing with 1 Northgate Street up for sale, the Old Square changing to A1/A3 use with homes above the businesses; and
- this was the largest venue in this area and therefore there could be significant demand.

At the request of the Chairman, Mrs Adkins outlined her objection to the Committee. She explained that it was difficult to find out where the people who caused a disturbance came from. She highlighted that noise would reverberate around stone buildings both inside and outside in a different manner to modern dwellings.

At the request of the Chairman, Miss Clover summed up her objections. She explained that the Council's policy stated conditions needed to be precise, enforceable and unambiguous, which the conditions presented were not. The applicant had not considered the unique locality and had not demonstrated how the licensing objectives would be met.

Miss Clover asked the Panel to consider if the premises were suitable for the proposed application and use, which was very broad. How had the applicant sought to prevent public nuisance and could the Panel be satisfied there would not be public nuisance as a result of this licence.

Miss Clover highlighted that nobody had complained about the other events because they were not comparable to the application because nobody really understood or knew what the premises would do if it was licensed.

Miss Clover concluded by saying that if the Panel felt the application should be more restricted, or the applicant did, then the application should be refused for further investigations and consideration.

Mr Rodgers summarised by highlighting that the high stone buildings on Northgate Street created a canyon effect with noise reverberating up and down

the road. Nothing had been submitted before the Panel that demonstrated there would not be a public nuisance as a result of the licence being granted.

Mr Joburn summarised that the proposal was not suitable for the building, but that he wanted to work with the applicant to help find alternative solutions.

Mrs Adkins summarised that she recognised the challenge the Council faced in bringing the building back into use.

Mr Kolvin then summarised on behalf of the applicant. He highlighted that the Town Clerk was made aware of the application on 14 June 2016. He asked the Panel to determine the application on facts presented to it and evidence presented to it. He reminded the Panel that planning matters were not factors that they could consider. He reminded them that they should take a balanced decision as set out in the Act, guidance and case law taking into consideration the application and the wider public interest.

Mr Kolvin recognised that Merlin had pulled out but this was three years ago and there was no evidence to demonstrate why the current applicant could not make the premises successful. The venue would be operated by Council staff, there had been previous events with no complaints, the applicant had offered four pages of conditions, the application had been considered by Environmental Health which had agreed conditions that included a noise limit for outside the building. He accepted that the application was for a broad range but explained that this was because of the wide range of functions expected to be held at the venue.

Mr Kolvin felt that it was unfair that objectors had been critical of changes proposed to the application, because these were made following concerns raised. These included recognising that disco music and dancing would only be in the Octagonal room and how the noise was limited from this was a problem for the applicant. They also recognised the need for drinking up time and proposed that this should be 30 minutes before the closing time set out in the application.

Mr Kolvin emphasised the aim of the application was to bring the building back into use but the applicant was the Council and there was appropriate control through the conditions. If there were problems, the applicant would seek to resolve them and they knew that there was the possibility of the licence being reviewed or noise abatement notices being served if they failed to manage the premises.

Mr Kolvin explained that whilst the Live Music Act meant conditions on such music did not bite before 23:00, the applicant would commit to abiding by these anyway. His client knew the challenges they faced and the additional responsibility this brought.

Mr Kolvin, Miss Clover and Mr Morris all raised matters relating to the planning requirements for the site, which were not material to the deliberation of the application.

Mr Kolvin reminded the Panel that there was a significant number of conditions brought to them for consideration to mitigate the impact of the premises and ensured that it would operate correctly and that whilst these came from several sources, if approved, the applicant was willing to work with the authority to ensure the final wording of these was clear and unambiguous. Miss Clover

objected to this proposal in that there were three sources of proposed conditions and the decision of the Panel, if it approved the licence, should include the final conditions.

In conclusion, Mr Kolvin said he would accept no dancing in the Main Hall, but that he could not prevent the Fusiliers walking through with their drums in the afternoon or young bridesmaids dancing; his client would also accept a reduction in the terminal hour; proportionate conditions requiring drapes and screens to further limit noise loss.

At 3.00pm, the Chair asked all parties other than the Panel, the Council's Solicitor and the Democratic Services Manager to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that the Panel is of the opinion the application should be granted subject to revisions of the hours of operation and appropriate conditions.

The Panel considered the officers report, application, additional information circulated to it and the evidence submitted to it at the Hearing.

The Panel, had serious concern about the impact of the application on the residents of this area through the use of the venue. The Panel is mindful of case law and the need for conditions to be appropriate and based on evidence. The actual disturbance from a new premises is difficult to evidence.

The revised hours and conditions to be as follows:

- (1) Sale of alcohol to cease at 23:30 Sunday to Thursday and 00:30 Friday & Saturday and New years Eve from the end of permitted hours to 00:30;
- (2) Plays, Films, Live Music, Performance of Dance, other activities of a similar description to that of live music, recorded of music or performance of dance and recorded music (all indoors) to start at the applied time but to cease at 23:30 Sunday to Thursday and 00:30 Friday & Saturday and for New years Eve from the end of permitted hours to 00:30.

However the use of drums or amplified live or recorded music is not permitted in the Main Hall at any time;

- (3) The opening hours of premises to be approved as applied for;
- (4) Prior to operation the agreement in writing and implementation to the satisfaction of the EHO of a suitable noise attenuation scheme, including all appropriate measures to reduce noise escape from all doors and windows;

- (5) All doors and windows to be closed when regulated entertainment takes place;
- (6) All doors and windows to be closed by no later than 21:00;
- (7) condition 3 from EHO be accepted, but that a log of calls received must be maintained, for at least 6 months, including what action, if any was taken by the DPS/Duty Manager to respond to any issues;
- (8) condition 4 from EHO be accepted but the licence holder to agree appropriate monitoring arrangements with EHO and a record to be kept of all monitoring undertaken for at least six months;
- (9) condition 5 from the EHO is replaced by - No egress from the premises to Northgate Street after 18:00, less in the case of emergency exit. No access to the premises via Northgate Street after 21:00. In both cases excluding staff.
- (10) condition 6 & 7 from EHO be approved;
- (11) condition 8 from the EHO has been replaced by: Access to outside areas closed after 21:00 less for no more than a maximum of 10 persons in the small court yard area, as identified on the plans at the hearing, for smoking. This area to be managed by SIA registered door staff;
- (12) No open vessels allowed outside after 21:00 or to leave the premises at any time;
- (13) There will be a personal licence holder on site at all times that licensable activity takes place;
- (14) Operate a Challenge 25 year old policy and if customers look under 25 photographic identification is requested by bar staff. (passport, photo driving licence or proof of age card carrying "Pass" logo);
- (15) Qualified door supervisors from a professional security company will be on site if there is any event after 17.50;
- (16) Door supervisors will sign the staff log for the evening which includes name, address and hours worked,
- (17) If any force is used or guests/ customers removed, details will be recorded.

- (18) If any complaints on or off site are made these will be recorded by the Duty Manager/DPS and held in the event file which will be retained for at least six months;
- (19) Clear notices shall be displayed at the exit doors to advise guests that the premises fall within an alcohol restricted zone and to be quiet as they leave to respect the local neighbours;
- (20) The maximum number of persons (including staff and suppliers) allowed at the premises shall not exceed:  
Old Shire Hall 500  
Judges Dining Room 150  
Judges Drawing Room 76  
Jury Rest Room 80  
Courts 60 in each  
Dungeon & Cells 20 on each visit  
Maximum in building at any one time 500;
- (21) A CCTV system shall be installed and the premises licence holder will ensure that:
- a. CCTV cameras are located within the premises to cover all entrances and exits.
  - b. The system records clear images permitting the identification of individuals.
  - c. The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
  - d. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
  - e. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
  - f. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation);
- (22) the premises will become a member of the locally approved retail radio scheme and it will conform to its policies and procedures;
- (23) Northgate Street entrances shall be managed in such a way that it minimises disturbance or nuisance to neighbours at all times;

While the Panel notes the implications of the Live Music Act, on these conditions it would expect the Licence holder

to abide by this as part of its commitment to prevent public nuisance and work with its neighbours.

The Panel also noted the assurance from the applicant that the premises will not be used as a pub, restaurant or night club.

At 4.35pm, 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 4.40pm)