

# Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Thursday 1 August 2019, at the Town Hall, Royal Leamington Spa at 10.17am.

**Present:** Councillors A Dearing, Leigh-Hunt and Syson

**Also Present:** Mr Howarth (Council's Solicitor), Mrs Tuckwell (Committee Services Officer), Miss Daud (Licensing Enforcement Officer) and Mr Shirley (Senior Environmental Health Officer).

## 1. **Appointment of Chairman**

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

## 2. **Declarations of Interest**

There were no declarations of interest.

## 3. **Application for a premises licence issued under the Licensing Act 2003 for 26-28 High Street, Warwick, CV34 4BE**

The Panel considered a report from Health and Community Protection asking Members to review a valid application for a premises licence for 26 – 28 High Street, Warwick, CV34 4BE.

The Chair asked the members of the Panel and the officers present to introduce themselves. At the request of the Chair, the applicants, Mr Jamie Walker and Mr John Walker, both Directors at CJ's Events Warwickshire Limited, introduced themselves.

The Council's Solicitor explained the procedure for the hearing.

The Licensing Enforcement Officer outlined the report and asked the Panel to consider all the information contained within it and to decide whether the application for 26 – 28 High Street, Warwick, should be granted and, if so, whether the licence should be subject to any additional conditions.

CJ's Events Warwickshire Limited applied for a premises licence at 26 – 28 High Street, Warwick on 17 June 2019. The building was formally known as the Natwest Bank.

The licensable hours requested by the applicant were attached as Appendix 1 to the report, along with the full operating schedule and updated operating schedule submitted by the applicant. The Designated Premises Supervisor would be Mr Jamie Walker who was a Director for CJ's Events Warwickshire Limited.

A representation was submitted by Trading Standards and conditions were agreed with the applicant. These conditions would form part of any licence issued. The applicant agreed the conditions and Trading standards withdrew their representation. These conditions were:

- a 'challenge log' (refusals book) recording all challenges - where both sales and refusals resulted;
- a prompt or reminder to staff, at the point of sale, to consider whether a sale or challenge ought to be made (for example an EPOS - Electronic Point of Sale - system till prompt or if not then written notices/stickers at the till point showing age limits).

The Licensing Department had received representations from Warwick District Council Environmental Health, attached as Appendix 2 to the report, and two local residents, attached as Appendices 3 and 4 to the report.

No representations had been received from:

- Warwickshire Police
- Fire Authority
- Enforcement Agency for Health and Safety
- The Licensing Authority
- Authority Responsible for Planning
- Authority Responsible for the Protection of Children
- National Health Service/Public Health

A colour plan of the premises was provided at the meeting. A map and photograph of the area were attached as Appendices 5 and 6 to the report.

In response to questions from Panel Members, the applicants advised that:

- The intention was to create an event space in Warwick Town Centre, where conferences could be held during the day, which in the evening would change to offer an event space for parties, gin tasting and other such events.
- All the events taking place after 6pm would be by invitation only and it would not be open for people walking in from the street.
- Security would be provided at the events when alcohol would be sold.
- It would be a high end venue, with very respectable clientele, "not 18 or 21<sup>st</sup> birthday parties and more for older clientele".
- The evening events such as gin tasting and themed parties would be pre-booked and no tickets would be sold at the door. Other companies could hire out the venue but they would also be informed of the pre-booked only policy.
- A planning application was also submitted which was waiting to be validated in the system.
- A copy of the draft lease was provided to the Council's solicitor during the meeting and was presented to Members, showing that the planning application was for a change of use to a D1.
- A website would be launched showing all the upcoming events where bookings could also be made.
- CSE training would also be provided to the team.
- The building was not a listed building and the applicant thought it probably was built in the 1930s.
- When asked by Members about the noise levels and that there were a number of single glazed windows, the applicants made Members aware of other facilities such as Lord Leycester which ran until midnight and the Court House, both being much larger in capacity and similar buildings in terms of structure. The applicant believed that the Court House could host up to 250 people, whilst the application from CJ Events was for a maximum 100 people.
- The intention was to use the basement and ground floor of the building, which had a balcony.

- A planning application was submitted for the area at the top floor of the building, to be converted to residential, and some sound insulation would be provided for it.

In response to questions from Members, the Senior Environmental Health Officer advised that:

- The objection was on the grounds of public nuisance.
- The application site was built on 1924, operating as a bank. There were a number of large, single-glazed windows.
- The property was located in a residential area, sharing a wall with a residential property.
- Due to the above, it was likely that the proposed events would cause noise disturbance for neighbouring properties, especially coming from loud music.
- The range of events sought was large, varying from 8am start to midnight, both inside and spilling outside.
- The application site was overlooked by a number of residential properties.
- The construction of the building made it difficult to contain the noise, with the windows being the weak point in the structure of the building.
- The Senior Environmental Health Officer was satisfied to see that the applicant was prepared to discuss a noise insulation scheme. However, the applicants were reminded that the property was located within the conservation area and although the building was not listed, there could be some restrictions in place due to it being within the conservation area.
- When permission was initially given for a coffee shop, it was not envisaged for it to be late night entertainment. Warwick did not have the same nightlife as Leamington Spa, which would make any additional noise very noticeable.
- If Members were minded to grant, the Senior Environmental Health Officer recommended a number of additional conditions, which were included at Page 15 in the report.
- Any condition to do with the lease of the building would be a matter for the landlord to enforce and not for the Council.
- The expectation was that an insulation scheme would be quite costly because of the size of the windows and the site being within the conservation area.

In answer to further questions from Members, the applicants advised that:

- The smoking area would be at the back of the building, where the car park was currently.
- The main area for events was indoors and the courtyard would be used for ad hoc events, no later than 11pm.
- The applicants had a good reputation for delivering great events and would not want to ruin this reputation.
- The main target market would be corporate events during the day, and the application to sell alcohol was mainly for Christmas parties and gin tasting events, which very rarely ran past 11pm.
- A condition to the licence, if granted, to do with insulation, would cause some concern to the applicants as it could be extremely expensive.
- The applicants reminded Members that neither Lord Leycester nor the Court House had such conditions in place.
- The applicants did not feel that a different Environmental Health officer they had been in touch with was helpful at all and did not provide any guidance apart from telling them "not to bother".
- They were not looking to open a Wetherspoons pub, this was aimed to be a very high end venue for events, and would not be open 7 days a week until

midnight, as it was important for the applicant to maintain their reputation and drive forward their vision.

At 10.57am, the Chairman asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room, in order to enable the Panel to deliberate in private and reach its decision.

**Resolved** that

Having considered the representations made by Environmental Health and also made by the applicant, the Panel are concerned about the impact of noise escaping from within the property and also from the outside areas. The Panel note that there are a number of residential properties which surround the premises, including a property which shares a party wall with the premises and a property where the garden adjoins the outside area of the premises. The Panel also note that it is proposed that the upper floors of the building be converted into a residential apartment and that an application has been made to the Local Planning Authority.

The Panel have carefully listened to the representations made by Mr Shirley about the lack of sound insulation, the potential for noise escaping from the property and the impact upon the neighbouring residential properties. The Panel have not heard any evidence from the applicant to reassure them that noise will not escape from the property and impact upon neighbouring residential properties, nor has the Panel seen any information or evidence regarding proposed works to adequately insulate the premises.

The Panel are minded to grant the licence, but only on the basis that sufficient works are carried out to the property to prevent any impact upon neighbouring residential properties and to the satisfaction of Environmental Health. It is the Panel's view that until such works are approved by Environmental Health and thereafter implemented in accordance with those approved details, that no licensable activities shall take place at the premises.

The Panel therefore resolved to grant the licence in accordance with the report, the applicant's operating schedule and the conditions requested by Environmental Health and set out in Peter Lawsons email dated the 9th July 2019, subject to Condition 1 being amended to state the following:

*"No licensable activities shall take place at the premises until the licence holder has submitted a scheme for the provision of sound insulation and such scheme has been approved by Environmental Health and has been implemented strictly in accordance with the approved details."*

The additional conditions requested by Environmental Health are:

- Cease licensable activities at 23.00
- Premises closing time of 23.30
- Close the outside areas at 23.00
- No open Vessels to be taken outside
- No entry /re- entry after 23.00.

You have the right to appeal to the Magistrates Court within 21 days.

At 11.41am, all parties were invited back into the room and the Chairman invited the Council's Solicitor to read out the Panel's decision.

In answer to questions from the applicant, the Council's solicitor advised the applicants that they were welcome to enter into a dialogue with Environmental Health officers and find a different solution to mitigate the noise impact to neighbouring residential properties, and this would be a matter for Environmental Health to consider.

(The meeting ended at 11.50am)

CHAIRMAN

19 August 2019