

# LICENSING PANEL HEARING

A record of a Licensing Panel hearing held on Thursday 1 December 2011, at the Town Hall, Royal Leamington Spa at 2.00pm.

**PANEL MEMBERS:** Councillors Mrs Grainger, Mrs Knight (substituting for Mrs Bromley) and Pratt.

**ALSO PRESENT:** Max Howarth (Council's Solicitor), Emma Millward (Licensing Services Officer) and Peter Dixon (Committee Services Officer).

## 1. APPOINTMENT OF CHAIRMAN

**RESOLVED** that Councillor Pratt 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 LEAMINGTON TENNIS COURT CLUB, LEAMINGTON SPA

A report from Community Protection was submitted which sought a decision on a premises licence application in respect of Leamington Tennis Court Club.

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

Mr Potts (Solicitor) attended to represent the applicant (Leamington Tennis Court Club Limited). He was accompanied by Mr Dixon (Secretary of the Tennis Court Club) and Mr Seigneur (full time tennis player and licensee). Mr Gifford attended to speak as an interested party (local resident). There were no responsible authorities in attendance.

The Council's Solicitor read out the procedure that would be followed at the meeting.

The Licensing Services Officer outlined the report, asked the Panel to consider all the information contained within it 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.

The meeting was informed that, since publication of the agenda, the applicant had made a number of changes to the application. Warwickshire Police and Environmental Health had withdrawn their representations after

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

the applicant had withdrawn some regulated entertainment from their application and accepted conditions put forward by the Police.

The Panel were therefore asked to consider an application to permit the following:

### Sale of Alcohol for Consumption On the Premises

Sunday to Wednesday	08:00 to 00:00
Thursday	08:00 to 01:00
Friday and Saturday	08:00 to 02:00

New Year's Eve from end of permitted hours until commencement of permitted hours New Year's Day

### Sale of Alcohol for Consumption Off the Premises

Monday to Sunday from 08:00 to 23:00

### Indoor Sporting Events, Plays and Films (all indoors)

Sunday to Wednesday	08:00 to 00:00
Thursday	08:00 to 01:00
Friday and Saturday	08:00 to 02:00

New Year's Eve from end of permitted hours until commencement of permitted hours New Year's Day

### Boxing or Wrestling

(All Indoors)

Sunday to Wednesday	08:00 to 00:00
Thursday	08:00 to 01:00
Friday and Saturday	08:00 to 02:00

New Year's Eve from end of permitted hours until commencement of permitted hours New Year's Day

### Late night refreshment

(All Indoors)

Sunday to Wednesday	23:00 to 00:00
Thursday	23:00 to 01:00
Friday and Saturday	23:00 to 02:00

New Year's Eve from end of permitted hours until commencement of permitted hours New Year's Day

### Normal Opening Hours

Sunday to Wednesday	08:00 to 00:30
Thursday	08:00 to 01:30
Friday and Saturday	08:00 to 02:30

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

New Year's Eve from end of permitted hours until  
commencement of permitted hours New Year's Day.

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 Potts made a representation on behalf of the applicant, stating that Leamington Tennis Court Club Limited had a club premises certificate. However, the club was concerned that the certificate did not make clear the legal position with regard to guests, visiting teams, spectators and the like, and had therefore decided to apply for a premises licence in order to remedy the situation. The applicant had no incentive to sell the premises, as any proceeds from the sale would go to a racquets charity. The applicant had gone so far as to put forward a condition to limit sale of alcohol to specific types of guest, which it was hoped would allay concerns about the premises being sold on with a licence, as that licence would be of little use to any business other than a tennis club. Mr Potts suggested that the application would not adversely impact on the four licensing objectives and pointed out that the club had a first class record with the responsible authorities. The Club expressed willingness to restrict the number of boxing and wrestling events to one of each per year, to alleviate concerns expressed by Mr Gifford about their frequency. Mr Potts pointed out that Mr Dixon and Mr Seigneur had met the Police on a number of occasions to reach agreement on the proposed conditions and so they were well aware of concerns and would ensure that the club would trade lawfully. He pointed out steps already taken to address the concerns of residents, and talked about how the club had installed door control security and CCTV.

The applicant's representatives responded to questions from the Panel with regard to the typical number of events per year, the club's capacity for different forms of entertainment, the Cumulative Impact Area and the proposed opening hours. They took note of a suggestion that neighbours be informed of upcoming events.

Mr Gifford made a representation to the Panel, talking about how many of his initial misgivings about the application had been addressed. He had some concerns about noise coming from the rear of the building and had noticed in the past that amplified music appeared to be louder at his home than in Bedford Street. Ideally he would also like the opening hours to be shorter, but was pleased with the club's willingness to limit the number of boxing and wrestling matches to one per year.

Mr Potts summed up on behalf of the applicant, stating that the club would not conflict with licensing objectives and was committed to getting along with its neighbours.

At 2.45pm the Chairman asked the applicant, the Licensing Officer and interested parties to leave the room to enable the Panel to deliberate and reach its decision.

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

In taking its decision, the Panel paid due consideration to the relevant legislation and guidance, application and the representations made about it.

Having heard representations from the applicant and interested parties, the Panel was of the opinion that the licence should be granted in accordance with the recommendations, with the addition of a condition limiting the number of boxing and wrestling events to one each per calendar year.

At 2.50pm all parties were invited back in to the room so they could be informed of the Panel's decision.

**RESOLVED** that the Licensing Panel's decision be as follows:

Having considered the application and the written and oral submissions made on behalf of the applicant, and those of the interested parties, the Licensing Panel are satisfied that there will be no impact on the licensing objectives or Cumulative Impact Area within which these premises are contained. Furthermore, noting the withdrawal of objections by Warwickshire Police or WDC Environmental Health following agreement with the applicant on conditions, it is the considered opinion of this Licensing Panel that the licence be granted as follows:

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Friday and Saturday	08:00 to 02:00

New Year's Eve from end of permitted hours until commencement of permitted hours New Year's Day

### Boxing or Wrestling (limited to 1 Boxing and 1 Wrestling event per calendar year)

(All Indoors)

Sunday to Wednesday	08:00 to 00:00
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## **LICENSING PANEL HEARING MINUTES (Continued)**

Thursday	08:00 to 01:00
Friday and Saturday	08:00 to 02:00

New Year's Eve from end of permitted hours until  
commencement of permitted hours New Year's Day

No more than 1 boxing event and 1 wrestling event shall  
take place at the licensed premises in any calendar year

### Late night refreshment

(All Indoors)

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### Normal Opening Hours

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commencement of permitted hours New Year's Day.

### CONDITIONS:

1. All door supervisors to be SIA registered and badged (when employed).
2. Premises to give 14 days notice to Warwickshire Police Licensing when intending to hold large public events, whether entry by payment or otherwise and Warwickshire Police Licensing will have the right of veto or the right to require premise to employ door supervisors for said event. This also includes activities such as Boxing matches or other higher risk activities.
3. DPS to make ongoing professional risk assessments on all other days / events as to whether to employ door supervisors.
4. All outside areas to be vacated and closed by 23.00 hrs. All outside areas to be vacated and closed by 23:00 hrs save that persons smoking shall be permitted to use the garden area and there shall not be more than 10 of any such persons there at any one time and the garden shall be closed when the premises close as per the opening times above
5. No off license sales after 23:00hrs
6. No open vessels to leave the premise at any time
7. CCTV to be installed to the current British Standard BS7958. This consists of:

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

2 Cameras shall be sited at the entrance to the premises in Bedford Street and shall be positioned by agreement with Mr Mark English the Warwickshire Police Architectural Liaison Officer. Head and facial recognition coverage. Recordable and retained for a minimum of 31 days and at least one member of staff should be on duty at all times who can operate access and download images on the request of the Police or Local Authority. Images will record in real time, ideally 25 frames per second, but a minimum of 12 frames per second.

8. All training stated in operating schedule must be recorded and signed by each member of staff receiving said training.
9. Active member of locally Police Approved Pubwatch & Radio Scheme and conform to its policies and procedures

In view of concerns raised by the representations the Club offer the following voluntary condition on advice:

10. Sale or supply of intoxicating liquor will be limited to members, guests of members, visiting teams and their supporters and persons taking part in competitions and tournaments and persons attending bona fide pre-organised business and social functions and events.

All parties in attendance are reminded that they have the right to appeal this decision to the Magistrates Court within 21 days of formal notice of this decision.

(The meeting finished at 2.55pm)