

Licensing & Regulatory Panel

Minutes of the Licensing & Regulatory Panel held on Tuesday 20 September 2016, at the Town Hall, Royal Leamington Spa at 2.00pm.

Present: Councillors Mrs Cain J.P., Davies and Mrs Stevens

Also Present: Mrs Gutteridge (Council's Solicitor), Miss Carnall (Senior Committee Services Officer) and Miss Russell (Licensing Officer).

1. **Appointment of Chairman**

Resolved that Councillor Mrs Cain 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 130 Parade, Royal Leamington Spa**

The Panel considered a report from Health and Community Protection which sought a decision on an application for a premises licence from Everards Brewery Limited for 130 Parade, Royal Leamington Spa.

The Chairman introduced the members of the Panel and the officers present. The other parties then introduced themselves as:

- Mr Lucas, representing the applicant, Everards Brewery Limited
- Ms Toogood, business partner
- Mr Acaster, designer
- Mr Cable, Estates Manager
- Mr Fleet, licence holder and DPS

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

The Licensing Officer outlined the report and asked the Panel to consider all the information contained within it and the representations made at 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 application was for a premise licence for an Everards Brewery Limited at 130 Parade, Royal Leamington Spa. The licence was for a public house and would merge two existing premises into one licensed premise. The premises concerned were The Lounge at 130 Parade and The Bedford at 75 Bedford Street, Royal Leamington Spa.

Following discussions between the applicant, Environmental Health and Warwickshire Police, the applicant amended their original application and the revised licensable activities were outlined in Appendix 1 to the report, as follows:

	Opening Hours	Sale of alcohol on premises	Sale of alcohol off premises	Recorded Music Ground floor only (Indoors)
Sunday to Wednesday	08:00 to 02:00	09:00 to 01:00	10:00 to 23:00	09:00 to 01:00
Thursday	08:00 to 02:00	09:00 to 02:00	10:00 to 23:00	09:00 to 01:00
Friday & Saturday	08:00 to 03:00	09:00 to 02:00	10:00 to 23:00	09:00 to 02:00

	Live Music (Indoors)	Films (Indoors)	Late Night Refreshment (Indoors)
Sunday to Wednesday	08:00 to 23:00	08:00 to 00:00	23:00 to 01:00
Thursday	08:00 to 23:00	08:00 to 00:00	23:00 to 02:00
Friday & Saturday	08:00 to 00:00	08:00 to 00:00	23:00 to 02:00

For all the above and New Year's Eve – The licensable activity will take place from the standard start time on 31 December to the standard finish time on 1 January.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Between the hours of 08:00 and 23:00, when **recorded music is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises, all licensing conditions applicable to the control of recorded music on this licence are deemed not to be in operation.*

*Between the hours of 08:00 and 23:00, when **amplified live music** is taking place to an audience of less than 500 people and the premises is licensed for the sale of alcohol for consumption on the premises; or when **unamplified live music** is taking place to any number people on any premises, all licensing conditions applicable to the control of live music on this licence are deemed not to be in operation.*

In addition, an operating schedule had been provided by the applicant which would form part of any licence issued, and this was laid out at section 3.4 of the report.

The Licensing Officer advised that representations had been received from two members of the public and these were attaches as appendices 2 and 3 of the report. Further email correspondence had been received from both members of the public and copies of these were circulated prior to the start of the meeting.

Representations had also been received from Environmental Health and Warwickshire Police, however, additional conditions had been agreed and the representations were subsequently withdrawn. The conditions agreed were laid out in section 3.5 of the report and would be added to any premise licence issued.

The Licensing Officer also reminded the Panel that the premise was located in the Cumulative Impact Zone and a plan of the proposed internal layout of the premise and a design statement were also circulated at the start of the meeting.

Mr Lucas outlined the application and advised Members that Everards Brewery was a family owned business based in Leicester. In addition, they had been the owner of the premises in question for a number of years and were very familiar with the history of the Bedford Inn, to the rear of the site. This building had been empty for a while and had experienced issues with squatters.

He stated that the applicant would be making a substantial financial commitment, the existing licences would be surrendered and the one all-encompassing licence would take precedent.

Mr Lucas explained the proposed layout of the new premise with the provision of food leading the design statement. This would be enhanced with a theatre style kitchen which patrons would be able to walk past and view in action. There would be three distinct areas comprising of various themed seating areas. Mr Lucas assured Members that none of the areas had been designed to encourage vertical drinking.

In addition, he advised that the staff involved had extensive experience in the business and all licensable activities being requested were already permitted by one or other of the premise licences in existence. Mr Lucas summarised the discussions with Environmental Health and the Police explaining that conditions had been agreed as a result. With regard to the objections received, he advised that one was from a neighbouring resident and the other a local business owner.

Mr Lucas suggested that the proposed application was a vast improvement on the existing premise and reminded the Panel that control measures were in place for Local Authorities to use should complaints be received.

In response to questions from Panel Members, Mr Lucas responded as follows:

- The food being offered would be slightly less technical with an emphasis on fresh food and quality produce, the volume of food being produced would be higher.
- The premise would hope to encourage clientele between 20 and 50 years of age and they noted that there was a high student population in the town.
- The hours of opening were earlier at the weekend because the company hoped to serve breakfast from 08:00.
- The Lounge had the capacity to process 140 covers with the new layout and the capacity would be no more than 500.
- The Bedford would have a reduced footprint due to the kitchen and W/C reducing their covers to 80.
- All conditions had been agreed and accepted.
- Local taxi companies would be advertised to assist customers with travelling home.
- Very little entertainment would be provided as far as live bands were concerned.

Following a question from the Legal Officer, Mr Lucas confirmed that the applicant would be willing to accept a condition ensuring the surrender of the two existing licences, should the proposed licence be granted.

When asked to make any closing remarks, Mr Lucas advised that the applicant was aware of the Local Authority's Policy, the Cumulative Impact Zone and the licensing objectives and suitable measures would be in place to ensure there was no detrimental impact. He felt that the proposed development would have a positive outcome instead and reminded Members that the application was supported by Environmental Health and the Police.

At 2.54 pm, the Chair 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 the application for a premises licence be **granted**, subject to conditions, for the following reasons:

The Panel has considered the application and given careful consideration to the documents submitted and the representations made. The Panel has had due regard to the statutory guidance and the WDC statement of Licensing Policy. The Panel has decided to grant the application.

It has considered the Cumulative Impact Policy and the current opening hours that apply to both premises at 130 Parade and 75 Bedford Street. It has listened carefully to what the applicant has said about their plans for the premises and note that because of the improvements to the toilets and kitchen areas the overall capacity of premises is likely to be less than the combined total of both premises as it exists today. The Panel note that there will be condition attached to the licence that prevents entrance or exit onto Bedford Street after 01:00 hours.

The Panel is satisfied that the applicant has demonstrated that the grant of this licence is not likely to impact on licensing objectives. The Panel has noted that the applicant has amended the application following consultation with the Police and EH service and there is no objection from any of the responsible authorities.

The conditions that will apply are:

1. An approved age scheme shall be adopted implemented and advertised within the premises such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo card driving licence and passport.
2. The DPS will implement a 30 minute drinking up time to allow dispersal of customers

3. Prominent, clear signs will be displayed at all exits asking customers to respect the needs of local residents and to leave quietly
4. All staff are to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a Police Officer.
5. All windows and doors shall be closed after 23:00 or at any time when regulated entertainment takes place except for the immediate access and egress of persons.
6. No speakers for the amplification of music or speech shall be placed on the outside of the premises or on the outside of any building forming part of the premises.
7. No open vessels shall be taken outside the curtilage of the premises at any time.
8. Noise levels shall be monitored on and offsite at regular intervals to ensure that noise from the activities at the premises do not give rise to a nuisance. The DPS or Duty Manager shall undertake a noise risk assessment of any activities at the premises to determine how regularly noise monitoring shall take place
9. A sound limiting device shall be fitted to any musical amplification system used for the provision of regulated entertainment and shall be set at a level determined by and to the satisfaction of an authorised officer of WDC's Environmental Health Service to ensure that no noise nuisance is caused to local residents. The limiter shall not be altered without prior approval from the Environmental Health Service.
10. Except in emergencies, no customers shall be permitted to access or exit the premises via the Bedford Street entrance(s) between the hours of 01:00 hours and 08:00 hours on any day
11. Door supervision must be provided on Fridays and Saturdays by SIA registered door supervisors. Door supervisors must be on duty from 21:00 hours and must remain on duty until the premises are closed and all customers have left. A record must be kept of door supervisors' SIA registrations and the dates and times when they are on duty. There must be a minimum of one door supervisor on duty per entrance/exit that are in use and the DPS must complete on going professional risk assessments as to how many door supervisors are required in addition to the minimum requirement.
12. CCTV is to be installed and the premises licence holder shall ensure that:
 - a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits.

- b. The CCTV system records clear images permitting the identification of individuals.
 - c. The CCTV system is able to capture a minimum of four 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 when 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 a Police Officer or authorised officer of the Licensing Authority. Downloads will be provided to a Police Officer or authorised officer of the Licensing Authority upon reasonable request.
13. The Premises Licence Holder shall require the Designated Premises Supervisor, or in his or her absence, other responsible person, to keep an incident/refusals log in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed and by whom is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced on request to a Responsible Authority.
14. No persons under the age of 18 years will be allowed on the premises after 23:00 hours.
15. No entry or re-entry of customers one hour before the closing hours permitted by the licence when the premises open after 01:00 hours.
16. The premises will be a member of a local police approved retail radio scheme and conform to its licence policies and procedures.
17. No regulated entertainment shall take place in any areas of the first floor of the premises.
18. No licensable activities shall take place at the premises until premises licenses WDCPREM00663 and WDCPREM00224 have been surrendered.

In imposing conditions the Panel has noted those offered by the applicant and has carefully listened to the representations made on behalf of the residents. It believes that the conditions imposed are proportionate appropriate and enforceable.

At 4.05pm all parties were invited back into the room and the Chairman invited the Council's Solicitor to 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 4.12pm)