

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE ALCOHOL AND GAMBLING LICENSING COMMITTEE

22 JULY 2021

Present: Councillor Jenns in the Chair

Councillors D Clews, Farrow, Hancocks, M Humphreys, Jordan, Lees, Moss, Osborne, O Phillips, Rose and A Wright,

Apologies for absence were received from Councillors McLauchlan and Parker

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Wright declared a non-pecuniary interest as he has a family connection to one of those who has an interest in the application referred to below (Councillor Wright left the meeting and took no part in item 4).

2 **Minutes**

The minutes of the meeting of the Licensing Committee held on 26 January 2021, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

3 **Appointment of Licensing Sub-Committees**

The Chief Executive sought approval for the appointment of Licensing Sub-committees to discharge the functions of the Alcohol and Gambling Licensing Committee.

Resolved:

- a **That all combinations of three-member Sub-committees be appointed to determine applications, review licences and take such other steps as are set out in Appendix B to the report of the Chief Executive; and**
- b **That the Chief Executive, in consultation with the Chair of the Committee, be authorised to call meetings of Sub-committees as required, to determine those applications, reviews and take other steps unless they agree that the whole Committee should meet to determine those matters.**

4 **Determination of application to vary premises licence – The Spread Eagle, Polesworth.**

The premises licence holder was represented by Freddie Humphreys, barrister, who was accompanied by the following:
Karen Stevens, Designated Premises Supervisor and Managing Director, Westbourne Leisure, Tracey Fulleylove, Manager, and Carl Moore, Licensing Agent.

Those making representations were not present.

The report was presented by David Dyde, Licensing Officer, who set out the background to the application.

The hearing was conducted in accordance with the Council's Procedure for Licensing Hearings.

On behalf of the applicant Mr Humphreys stated:

Ms Fulleylove and Ms Stevens have operated the premises since the company took over 6 years ago. We appeared before the Committee 4 years ago and applied to vary the licence then to extend hours to 1.30 p.m. on Friday and Saturday nights. Four representations were made on the last occasion, now there are only two. This we say is good evidence that the previous concerns have not become to pass and shows we are well run premises. We are now seeking to run this as a family pub with a pub garden, there is a sandpit in the garden and there will be regulated entertainment until 8.00 p.m. and sale of alcohol until 10.30 in the evening. We have spent money making the premises Covid-19 safe and during the time the regulations were in force we had 6 visits from the police and 4 from environmental health, none of which found any fault on behalf of the operator.

It is intended that if the application is granted, we will operate table service only in the garden, marquee, pagoda and seating area. At present we have a pool of around 20 staff on duty at the premises, which gives us a high level of staffing available and allows us to operate in the way we want to and for the premises to be under constant supervision. None of the adjoining premises have made representations which is an indication. One of those making representations lives some way from the premises.

Pub gardens are now a common feature of towns and villages. The existing conditions will continue to apply as they help us to run the premises properly. The only additional ones relate to the closing time for the area.

Questions were asked by members of the Committee, the responses to which can be summarised as:

The club next door is also owned by Westbourne Leisure and is operated as a joint venture with a self-employed manager, catering for families and having regulated entertainment on Saturday evenings. It has an external seating area to the front of the premises. The pub and club share the car park and the church uses it.

We will not have a 'pay bar' in the garden but will use it as a dispensing bar, 2 staff will be at the bar and there will be a waiting staff and a manger on the floor. We vet all those who come into the garden.

Tracey or Melissa vet the door. We have had 18 members of staff on duty during Covid-19 which makes little sense from a business perspective but allows us to run things properly. We don't want 500 people in the garden. We want them sat down listening to the music. It is a family run pub, most of the staff are family which makes us successful.

We believe that the way we vet people is better than having SIA door staff on duty, as it gives a personal touch.

We only allow 150 people in the premises at night, all of them are seated and we have various tables but a maximum of 150 chairs. When all seats are full we close access to the garden.

We have age checks using Challenge 21. Children leave the premises at 9.00 p.m., indoors and out.

As those who made representations were not present, they were not able to present their case in accordance with the Council's procedure.

Mr Humphreys summed up on behalf of the applicant and stated that the lack of representations from responsible authorities demonstrates that they are happy with the way the premises are operated and that the Council's policy indicates that the Council does not wish to unduly inhibit properly run businesses.

The members then **retired** to make their decisions and all others left the room other than the solicitor who was advising the Committee.

After deliberating for some time the parties returned to the room and the Committee notified the parties of their decision.

Having taken account of the application form, representations and all material before us, and having considered what Mr Humphrey has to say, the Committee made the following **findings**:

Having read the representations and heard what was said during the hearing we are satisfied that nuisance has been caused as a result of the present operation of the premises. Their concern is that granting this application could increase that level of nuisance. Without music being played outside it is clear that this comes from the voices of those who are

outside in the garden consuming alcohol which had been supplied from inside the premises.

They have however, **decided to grant the application subject to conditions**. Conditions have been offered as part of the application which will be added to the licence and which are referred to in more detail below. The further condition which the Committee wish to add is to limit the number of people in the garden to 150 which was referred to in your application. It was stated that you do not go beyond that figure and members, having determined that the nuisance must be being caused by people simply speaking and not music, and therefore it would increase if a higher number of people were there, so when the music ends if the number of people was higher they believe it would be a nuisance to those nearby.

They have also considered the comments that were made about the location of one of the objectors and the distance from the property. In that respect they find that, the fact that one of those making representations lives in a property some distance from the premises, and the absence of any representations from those occupying properties which are closer, does not make any difference to the weight of what he says.

Members also want to tidy up the conditions which were submitted with the application and the condition relating to CCTV refers to the system meeting the requirements of Warwickshire Police and for the avoidance of doubt, want to make clear that camera should cover the whole of the outside area which is licensed and that it should be high definition and fit for purpose and capable of facial identification; members believe that the police would stipulate similar conditions. A further amendment will be made since you have referred to footage being made to an officer from 'the' responsible authority and this should be amended to read 'responsible authorities'

Similar amendments would be made to the other conditions in relation to the incident log and other matters so that these must be produced to an officer from any responsible authority.

A Jenns
Chairman