



anti-social behaviour related to the licensing act 2003

meeting with the Prime Minister's Delivery Unit on 23 January 2009

The Prime Minister's Delivery Unit (PMDU) was set up by Tony Blair to ensure he had answers to questions within 8 weeks. Early in 2009 the PMDU became concerned about the anti-social effects of the new licensing act. The National Organisation of Residents' Association (NORA) was asked to give evidence on 23rd January 2009 and was supported by CLARA. Dr Alan Shrank is the Chairman of NORA. What follows is a synopsis of his account of the meeting: -

Although the Licensing Act 2003 provided opportunities for the involvement of residents in the licensing process, the restraints (differing definitions of vicinity; legal interpretation of 'public nuisance', the general presumptions in favour of applicants; the imbalance between the power and financial strength of applicants and that of objectors; the limited support of the police, planning and Environmental Health Officers) all diminish the ability of objectors to influence the licensing committee determinations.

Noise and nuisance legislation is entirely related to the premises whether a private dwelling or a licensed premises. Statutory nuisance is strictly defined and does not cover noise and nuisance sufficiently adequately to protect residents near licensed premises. Noise and nuisance in the street is not covered by any licensing legislation. Environmental Health Officers only object if 'noise and nuisance' occurs directly from and adjacent to the licensed premises and meets certain specific criteria, whereas much of the problem occurs at a distance and may not meet the sound levels required to trigger a possible prosecution.

The police are primarily concerned with the first licensing objective of "the prevention of crime and disorder". In general they do not have the resources to deal with 'public nuisance' (noise, nuisance, anti-social behaviour, street fouling) at night. Community Support Officers are rarely employed for night duty, which is when these problems occur.

NORA explained that in its view there were two aspects to the problem of rowdy and drunk behaviour in our streets. The first is that such behaviour is not just by men but also by women. The second is the easy access

to cheap alcohol and, in large drinking establishments, the use of loud music and high ambient temperatures to force a greater rate of drinking. Accordingly NORA suggested: -

1. Make alcohol less available by increasing cost, reducing the number of outlets and ensuring that it is not sold to the vulnerable, those under age and those already tanked up.
2. Increase the penalties for breaches of the Licensing Act 2003 such as by closing licensed premises for much more than 24 hours.
3. Resolve the conflict between planning ethos and licensing regulations in the interpretation of the licensing objective of 'the prevention of public nuisance'.
4. The meaning of 'vicinity' must be resolved so that residents are not unreasonably denied involvement in the licensing process.
5. Make it legally clear that in licensing 'public nuisance' need only affect a few people - even less than five - to be considered as public nuisance.
6. All those serving alcohol ought to receive formal NVQ training leading to a recognized professional qualification and career structure before being allowed to work as bar staff.
7. More funding for the police to allow employment of Community Support Officers at night after 11 pm when anti-social behaviour problems are most likely to occur.

Finally NORA presented the PMDU with a copy of the Institute of Alcohol Studies document 'Binge Drinking and Europe'.

Dr Andrew Cave

important announcement

CLARA AGM

To be held on **THURSDAY 21 MAY 2009**
at The Angel Hotel, 143 Regent Street
starting at 7.30pm

Official business to be followed by a talk on: "Efforts to tackle alcohol-related crime and disorder in Leamington town centre" by Pete Cutts from Warwick District Council. Followed by discussion.

contact us

t: 01926 339499

e: info@claraleam.co.uk

w: www.claraleam.co.uk

CLARA newsletter is produced by Penny Gillett

restoration of the 19th century pump room gardens

Supporting divers from the Leamington Sub Aqua braved the February icy waters of the Leam, to successfully locate the mystery cable in the reach downstream of the Adelaide Road Bridge. Their hand searching found a 50 metre length, which disappeared into a trench in the river bed at one end, and into a jungle of dumped trolleys and cycles at the other. The cable could not be brought to the surface so its origins and use regrettably remain a mystery, but it was there, and wasn't "Alive". We who just stood on the bank, offered advice and thanks, as we froze.

The evidence was sufficient to allay the fears of the Environment Agency, who faced with the target of getting their river and bank cleanup in the gardens area completed before the end of February nominal start of the bird nesting season, got cracking, and braved snowy conditions to meet their target.

Warwick District Council have yet to do some final clearance of dead branches, ivy removal, and general tree tidy up, but at least as you walk through the garden the river view is now much improved. The banks however remain, err scruffy. The team share a common acceptance with the EA and WDC, that there should

be a wildlife corridor along the bank in the gardens, but our views on how one should be achieved in this listed garden environment, differ. The societies team, are negotiating with WDC for the replacement of the present nettles and brambles, by beds of low growing, low maintenance, dense cover, berried and attractive to wildlife, shrubs. This is achieved in the Jephson and private gardens all over the country. We are also seeking acceptance, as a cost saving action, of the use of volunteer labour to do much of the work.

WDC repainted seats have been re-sited along the banks in the gardens. (Off the path, so that maintenance vehicles can pass by without having to detour onto the grass). Multiple quotations for arches and the cable trenching are just about all in, and funding applications will be submitted.

All the works that are planned for the gardens themselves, drains paths etc, have been identified and we await the provision by WDC of specifications in order that the quotation process can get under way.

All the evidence from potential funders is that their grant money funds are much reduced, in the present financial climate.

Eric Mallinson

blue plaque for alderman samuel thomas wackrill jp

First Mayor of Royal Leamington Spa and Father of the Corporation

C LARA is funding a 'blue plaque' to commemorate Alderman Wackrill. The plaque will be unveiled at 38 Portland Street on Tuesday 28 April 2009 at 2.40pm.

Wackrill, born in 1828, was brought up in Chelmsford. He came to Leamington in 1861 and, with his brother John, opened Wackrill Brothers as silk mercers and general drapers at Waterloo House, Bath Street. In 1886, by which time the business was known as Wackrill & Sons, the Courier recorded that 'their establishment is now one of the largest and best known in the Midlands'.

In addition to his business interests Wackrill led an active public life. One of his first notable acts was in 1867 when he raised £3,500, by public subscription, to save Leamington College from closing. When the College foundered again in 1902 and the building sold to the Sisters of the Sacred Heart, Wackrill bought the Beaumont and Smith-Ryland collections of classical works from the College library and presented them to the Borough.

Wackrill was noted for his generosity to the poor. In 1871 he hired the Pump Room Gardens for sixteen Mondays and held a succession of fetes for all Day and Sunday school pupils in the town, giving enjoyment to some 4,000 children.

Leamington is, however, chiefly indebted to Wackrill for his work in obtaining the Town's charter. In 1872 a Committee was set up, with Wackrill as chairman, to take on the project. When Milverton and Lillington decided to opt out, some members of the Committee got cold feet, because they would be liable for the Committee's expenses if it failed to obtain the Charter. Wackrill then stepped in and offered, in the event of failure, to pay the whole cost out of his own pocket. Fortunately his generosity was not needed as the Privy Council granted the Charter of Leamington in February 1875. This gave Leamington Borough status and all the powers and

privileges enjoyed by municipal corporations in England and Wales. At the first corporate election in July 1875, Wackrill was elected Mayor. His first term of office lasted just four months - until the beginning of the next municipal year in November 1875 when he was re-elected as Mayor without opposition. Wackrill was subsequently re-elected as Mayor 1885-6 and again 1886-7.

During his first year of office he proposed that a new Town Hall should be built. The scheme was opposed and Wackrill resigned as an Alderman in January 1880, paying a penalty of £25, but on his re-election, in November 1880, he succeeded in carrying a motion for the new Town Hall, which was eventually opened in 1884.

As Mayor, Wackrill presided over the Town's celebrations of Queen Victoria's Jubilee in 1887, including the presentation to the Queen of a golden casket containing an address from the Mayor and Corporation. In addition to organising processions, banquets and dinners for the poor, Wackrill hosted a Jubilee reception for Colonial visitors attended by over 700 guests.

In the same year, as Mayor, he performed the 'switching on' ceremony of the first electric lights in Leamington and as Mayor and Chairman of the Joint Hospital Board, he laid the foundation stone of the Sanatorium at Heathcote - now the site of the Royal Leamington Rehabilitation Hospital.

Wackrill was instrumental in the completion of the Waterworks, in Champion Terrace, officially opened in 1879. One of the pumping engines was named "the Wackrill" in his honour. He was also involved, together with Councillor Bright, in establishing the tramway between Leamington and Warwick, which after some initial opposition opened in 1881. The original horse-drawn trams were known locally as 'Wackrill and Bright's Rattlesnakes'.

Entrance to the Pump Room Gardens became free to the public, in 1887, after Wackrill successfully proposed

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a motion to abolish the 'odious penny tax'. Later, when part of the Gardens round the bandstand was enclosed, there was a proposal to re-introduce a penny charge. After much protest, a compromise was reached in 1889 when it was agreed to retain free entry to the Gardens but charge a penny for the use of the chairs and give the band the privilege of making collections.

Wackrill donated the Town's mayoral chain and pendant. He chose the motto beneath the crest on the arms of Leamington "Sola bona quae honesta" meaning 'those things alone are good which are honourable'. He also presented the bust of King Edward VII, which stands in the Town Hall.

Wackrill was for many years Chairman of the Watch Committee and took a great interest in the Police and Fire Brigade. He was the first Chief Magistrate of the Borough and served on the bench for over 30 years. He was a keen supporter of the Free Library; was Chairman of the Provident Dispensary; an honorary auditor of Warnford Hospital and was a Deacon of Spencer Street Church.

In 1899 Wackrill was given freedom of the Borough of Leamington.

Wackrill lived at no.38 (formerly known as no.71) Portland Street from 1863 until his death on 12 May 1907. At his funeral, held on 16 May, the procession started from his house and then went via the Town Hall, where it was joined by the Mayor and Corporation, magistrates, police, fire brigade and others, to Spencer Street Congregational Church where his burial service was held.

Malcolm Welsh



Alderman ST Wackrill JP



Blue Plaque
at 38 Portland Street

planning decisions in the conservation area

The Conservation Area Advisory Forum meets approximately every three weeks and is a consultee for the planning committee. Amongst others the forum consists of representatives of civic societies, architects, councillors, Victorian and 20th century societies and includes me as the CLARA representative. We are able to look at plans, photographs and drawings in some detail and the chief conservation officer at Warwick District Council notes the comments made.

If a major or controversial new building is proposed and the forum has strong views, we can nominate a member to speak at a council planning meeting for a maximum of three minutes.

The comments that C.A.A.F. has made are included in the bundle of information given to each councillor when a planning application is made for an alteration to or a new building in the conversation areas of Warwick, Kenilworth, Whitnash and Leamington Spa. The planning committee do not have the luxury of plans and drawings to study individually but instead must observe the plans projected onto a screen. I also wonder if, with so much to read, they as busy people might fail to study all the details. On the other hand, we are told that some councillors find the C.A.A.F. comments very helpful in decision making.

Ruth Bennion

3 recent planning appeal decisions in the conservation area

All three appeals against refusals of planning permission were lost and your committee think that the reasons given by the planning inspectorate are of real interest and importance to members.

Case 1

An application had been made for change of use to another restaurant in Augusta Place.

The inspector noted that the character of Augusta Place is mixed but there is a predominance of restaurants, cafés and similar premises including a pub and hot food takeaway, "the importance of Augusta Place to the diversity and vitality of the town centre lies in its mixed use character...". Yet another restaurant would be likely to add to the lifeless atmosphere which emanates from premises which are closed for much of the day. It would lead to a spiral of continued change leading to an even greater concentration of uses supporting what is sometimes called the night-time economy to the detriment of the normal daytime character of the area.

Case 2

We live in a beautiful town whose charm could easily be eroded so it was interesting to hear another inspector's report against the desecration of a Grade II listed building, used as a public house, in the corner of Regent St. and Windsor St. The "garden" was filled with a sun blind and

a mural. The inspector says that even retracted the sun blind spoils the harmonious appearance of the original 19th C. building by its unsympathetic clutter, garish colour scheme and intrusion into views from both streets.

Case 3

A two storey building was erected behind 37 Regent Street. Planning approval had been given for a different building which the inspector said was at best mediocre. CLARA thinks that it is not good enough for the conservation area and we are very sad that our planning department had given it approval.

More interestingly, amongst other comments, we were taken with this particular reason for refusal: "Although it is the fine architecture of the facades that tend to catch the eye, the rear elevations and gardens are also of interest in conservation terms. The whole building and its setting contributes to the conservation area, not just the front elevations."

The quality of the building actually erected is much larger with very poor details. It can be viewed in John Street. The large GPO building across the road looks outstanding in comparison!

The statement regarding the importance of the buildings and the settings will be of great use to C.A.A.F.

Ruth Bennion

central leamington residents' association

2008/09 officers and committee members

Life President

Eric Mallinson, 7 York Road, CV31 3PR
t: 425920
e: eric@mallinson.com

Chairman

Dr Andrew Cave, 39 Portland Street, CV32 5EY
t: 832551
e: andrewcave@talktalk.net

Vice Chairman

Malcolm Welsh, Flat 2, 38 Portland Street, CV32 5EY
t: 337036
e: mjmwelsh@aol.com

Secretary

Geoff Lunn, 35 Chandos Street, CV32 4RL
t: 883520
m: 07887 530265
e: geofflunn@yahoo.com

Treasurer

Ruth Bennion, 113 Rugby Road, Milverton, CV32 6DH
t: 421862

Committee

Lyn Buckle, 23 Archery Road, CV31 3PT
t: 339499
e: carolynbuckle@hotmail.com

Lyndon 'Toby' Cave, 24 Portland Street, CV32 5EY
t: 425987

Dr. Tony Forward, Flat 2, 12 Clarendon Street, CV32 5ST
t: 885800
e: tonyforward@onetel.net

Julie Griffiths, 43 Portland Street, CV32 5EY
t: 425867
e: julie.griffiths73@ntlworld.com

Alan Norrie, 13 York Road, CV31 3PR
t: 882778
e: alan.norrie@kcl.ac.uk

Archie Pitts, 4 Leam Terrace, CV31 1BB
t: 885532
e: archiepitts@gmail.com

Jef Tuyn, 5 York Road, CV31 3PR
t: 339085
e: jef@rase.org.uk

CLARA e: info@claraleam.co.uk

To find out more about CLARA why not visit our website at: www.claraleam.co.uk

The officers and committee members are always interested in CLARA members' views and comments so please do contact us.

Contacting you by e-mail

We would like to be able to contact members by email if possible. If you have not heard from us by email then we don't know your address! Could we ask you to email Eric Mallinson e: eric@mallinson.com who will then add your details to our database. Many thanks.

Lyn Buckle, Membership Secretary

jephson gardens replica sundial

Once the Trustees of the Royal Leamington Spa Building Conservation Trust learned a sundial had been placed in the Gardens in 1847 but it had disappeared by the 1950s, to replace it would be a very appropriate way to commemorate the life of John Picking. John had been the Chief Executive of Warwick District Council for 3 years in the 1990s, lived in the town and worked for a few voluntary organisations in order to improve the town and its built environment.

There was a discussion about whether to commission a modern sundial but the wish to recreate the sundial designed by the well known local architect, David Squirhill (1808-1863), was too strong.

A search of the internet revealed the existence of the British Sundial Society. Half a dozen of the members are specialist restorers and as the dial plate was the only extant piece of the sundial, I approached each of them. Harriet James quickly emerged as the most appropriate, she could arrange for a new gnomon (shadow-caster) to be made, could produce a drawing

of the plinth and arrange for the stonemason she works with, Mark Rawlins, to work from her drawings. She only had a few photographs to work from. One was a good image of the plinth but had no reference for scale and another showed two Edwardian ladies standing next to the sundial.

Of course, like any other prudent charity we felt we needed to secure other quotations for the work. This proved rather difficult with companies collapsing and others lacking the skills to work from the information I could provide. I managed to secure a few estimates but they, in no way, compared to Harriet's.

From estimating the height of two ladies from a photograph taken 100 years ago, Harriet and Mark managed to create a beautiful replica plinth out of bath stone, Harriet conserved the dial plate, fixed a new gnomon and produced drawings of the dial plate and sundial information for a leaflet the Conservation Trust have had printed. Copies of the leaflet are in the entrance hall to the hot house in the Gardens.

Judy Ross