

## DECISION NOTICE

### Western Area Licensing Sub Committee

#### Decision made on 16 November 2022

Application for a variation of a Premises Licence – The Bath Arms, Crockerton, Warminster made by The Chaffinch Pub Company Limited

#### Councillors:

Cllr Trevor Carbin (Chair), Cllr Stewart Palmen and Cllr Tim Trimble

#### Decision:

Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003 the application for a variation of a Premises Licence in respect of The Bath Arms, Crockerton, Warminster be granted for the licensable activities shown below and subject to the relevant conditions agreed by the Applicant as requested by the Environmental Health Officer and an additional condition imposed by the Sub Committee (detailed below)

Licensable Activities	Days	Timings
Sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	11.00 – 23:30
Sale by retail of alcohol for consumption ON and OFF the premises	Friday and Saturday	11.00 – 00:30
		(All existing Non-standard timings for Christmas day now removed)

- To extend the licensable area to include the outside space as outlined in red on the attached map.
- The addition of an outside bar.

### **Conditions as proposed by the Environmental Health Officer and agreed by the Applicant**

1. Provision of Regulated Entertainment (Live and Recorded music) and management of the outside seating area will be carried out strictly in accordance with the Noise Management Plan, which will be raised by the applicant and agreed by the local authority by 16 December 2022.
2. The outside seating area and outside bar will be fully closed at 23:00hrs. Patrons will not be permitted to take drinks or food outside after that time.
3. All doors and windows to be kept closed, except for access and egress, when regulated entertainment (live and recorded music) is taking place.

### **Condition imposed by the Sub Committee**

4. An acoustic barrier is to be constructed of a height no less than 1.8m consisting of material with a density of no less than 10kg/m<sup>2</sup> with no gaps or holes to be placed on the western boundary of the site between the patio area and the nearest residential property.

### **The Applicant**

The Applicant or any representative of the Applicant was not present at the Sub Committee hearing.

### **Responsible Authorities**

A representation from the Environmental Health Officer (Noise) was withdrawn prior to the hearing and there were no other representations from the Responsible Authorities.

### **Representations**

Representations were received from 14 local residents who expressed concerns about perceived public nuisance and noise nuisance from the proposed use of the outside areas and a new outside bar for events that were sought to be permitted at the premises.

### **Reasons**

In reaching its decision, the Sub Committee took account of and considered all the written evidence and the representations from all parties present at the hearing. The

Sub Committee noted the concerns raised by the residents at the hearing concerning the applicant's engagement with residents and regarding noise and use of the outside area but considered that the changes to the hours for the sale of alcohol and with the inclusion of the three conditions proposed by the Environmental Health Officer and an additional condition relating to acoustic barrier fencing would deal with these concerns. The Sub Committee heard no evidence that the Applicant would fail to promote the licensing objectives and as the premises was not currently open there was no evidence of noise complaints placed before the Sub Committee.

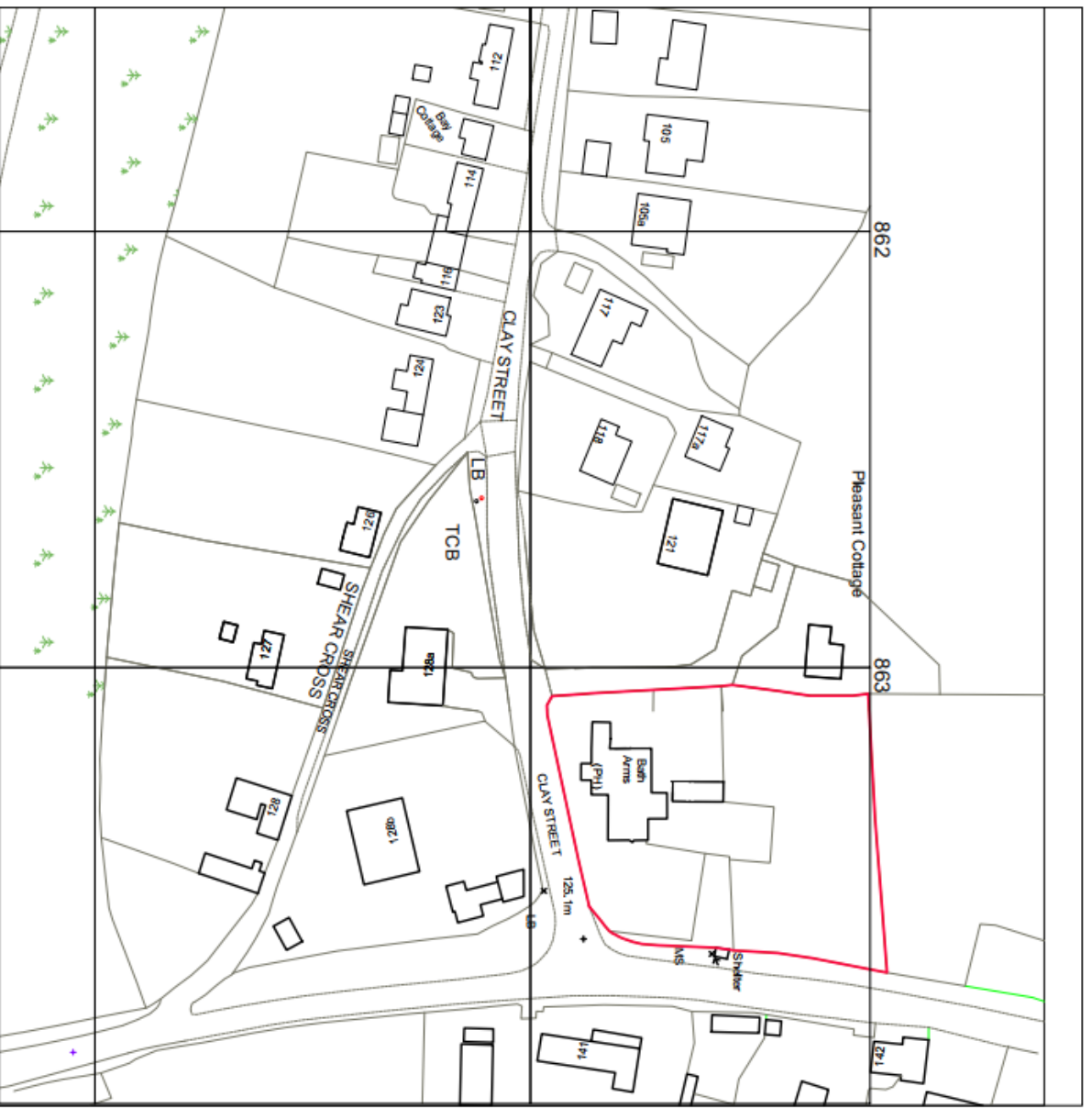
The Sub Committee were not able to consider any issues raised concerning parking, lighting, planning and highway matters as these representations were not concerned with the promotion of the licensing objectives. The Sub Committee can only hear evidence concerning the licensing application and the promotion of the licensing objectives.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

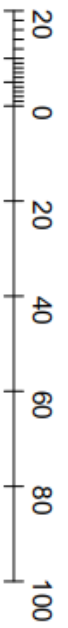
### **Right to Appeal**

The Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

A Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by an Interested Party will not normally be granted within the first 12 months except for the most compelling circumstances.



**KEY**  
 LICENSABLE AREA



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	<h2>Page 35</h2>
Client: Chalfont Pub Co Status: For Approval	Title: The Bath Arms, Clay St, Crickerton, Wiltshire, BA12 6AU Location Plan Drawn By: HJB Drawing No.: SW007-1-KK-01 Date: 06.04.22 Scale: 1:250 @ A1 Checked: [Signature] Date: 06.04.22
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