

17 November 2021

Venue Catering and Events
Suite 2A
Rossett Business Village
Rossett
Wrexham
LL12 0AY

County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

WK/202121730

Dear Angus Hastie,

Re: Formal Warning – Licensing Act 2003

Section 136 – Unauthorised Licensable Activities and Non Promotion of Licensing Objectives

Premises: The Pear Tree, Purton, Swindon, Wiltshire, SN5 4ED

On 18 August 2021, following a noise complaint, Tessa Hares (Environmental Health Officer) and I visited The Pear Tree and met with Sarah Sweeney (General Manager, The Pear Tree) and Scott Bradbury (Group Bar Manager, Venue Catering and Events Ltd.) to discuss the activities undertaken. During this meeting we were informed that the premises was operating in accordance with the current Premises Licence (LN/00003080) dated 28 January 2021, however on a follow up meeting on 7 October 2021 (with Brett Warren, Senior Environmental Health Officer and myself) it came to the attention of the Licensing Authority that you had undertaken and were undertaking licensable activities that were in contravention to your Premises Licence.

On 6 March 2018 an email was sent to a representative of the Galloping Gourmet Limited (company name at the time) following a conversation with Roy Bahadoor (Licensing Officer) where the intention to transfer the premises licence, refurbish the premises and potentially operate as a wedding venue was discussed. The email explained the current licence, conditions and stated:

“If there will be changes to the premises you may require amending the plans attached to the licence, either by way of a Variation or Minor Variation. You could also apply to vary any of the hours or activities on the licence. You may therefore wish to consider whether the current licence suits the prospective activities, and possibly whether a New Application at this time may suit you better than transferring, varying the DPS and then Varying the Licence.”

It is therefore disappointing to note that Galloping Gourmet transferred the Premises Licence on 26 April 2018, undertook large scale building works at the property and altered the use of the premises, but at no stage took the required steps to apply to update the permissions on your Premises Licence.

As the holder of the current premises licence (LN/00003080), as well as several others, you should have been fully aware of the obligations under the Licensing Act 2003. No steps to obtain the correct permissions were taken nor did you seek to vary the licence until the issues concerning the use of the premises under the existing licence and potential breach of the licensing objectives were brought to your attention on 7 October 2021, following complaints received by the Local Authority.

The premises as outlined on the licensed plan includes the old building and conservatories only. Under the government guidance for premises licences a plan of the premises needs to meet the requirements set out in the act and the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. The orangery and the outside areas which have been altered are therefore not covered under the current licence. This means no consumption of alcohol is permitted by the premises licence to take place following any sale of alcohol from the inside bar; however, it is noted that the orangery and outside areas have been used for consumption of alcohol on numerous occasions.

It is acknowledged that the introduction of the Business and Planning Act 2020 amended the Licensing Act 2003 in relation to Section 172 F which permits the Sale of Alcohol for consumption OFF the premises when the Premises Licence covers the Sale of Alcohol for consumption ON the premises until 23:00hrs. However, this remains a temporary permission introduced due to the COVID-19 pandemic which remains in force until September 2022.

It is a legal requirement that there is a Premises Licence or Temporary Event Notice in place prior to the sale of alcohol taking place. The penalties for conviction of offences under the Licensing Act 2003 are an unlimited fine and/or 6 months imprisonment.

In relation to the regulated entertainment (music) at the premises whilst weddings are taking place, although some of this may have been incidental or covered by The Legislative Reform (Entertainment Licensing) Order 2014, there is reason to believe that most of the music played was not covered in this way, nor considered a private party and was therefore an unauthorised licensable activity.

Following observations made by an Environmental Health Officer (Tessa Hares) and myself on 10 and 11 September 2021, the noise emanating from the premises throughout the day on both occasions, were in our opinion, considered to be a level that caused a public nuisance. Activities carried out on these occasions therefore did not appear to have due consideration for the promotion of the licensing objectives nor the potential impact on the local residents. This directly undermines the licensing objective of Prevention of Public Nuisance.

The Licensing Authority is aware you have applied to vary your Premises Licence for The Pear Tree, Purton to ensure that you will be compliant with the Licensing Act 2003 going forward, however please be advised that any further breaches may result in your Premises Licence being reviewed and it could have implications on your ability to apply for Temporary Event Notices in the future.

Yours sincerely

J Price

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