

## Western Area Licensing Sub Committee

---

### MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 25 SEPTEMBER 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Kevin Daley (Chairman)

#### Also Present:

Cllr Sam Charleston (observing)

#### Applicants

Three representatives of Kayra Collection Ltd.

#### Those who made a relevant representation

Six individuals that had, between them, made five representations in objection to the application were in attendance.

#### Wiltshire Council Officers

Emma Hyde – Public Protection Officer, Licensing  
Roy Bahadoor – Principal Licensing Officer, Public Protection (observing)  
Mike Edgar - Senior Litigation Solicitor  
Tara Hunt – Senior Democratic Services Officer (observing)  
Lisa Pullin – Democratic Services Officer (observing)  
Matt Hitch – Democratic Services Officer

---

#### 1 Election of Chairman

Nominations for a Chairman of the Licensing Sub Committee were sought. On the proposal of Cllr Trevor Carbin, seconded by Cllr Allison Bucknell, it was:

#### Resolved:

**To elect Cllr Kevin Daley as Chairman for this meeting only.**

#### 2 Apologies for Absence/Substitutions

No apologies were received. There were no substitutions.

#### 3 Procedure for the Meeting

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 5 to 10 of the Agenda refers).

#### **4 Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### **5 Declarations of Interest**

There were no interests declared.

#### **6 Licensing Application**

**Application by Kayra Collection Ltd., for a Premises Licence in respect of Fig, 5 The Shambles, Bradford on Avon, Wiltshire, BA15 1JS.**

##### **Licensing Officer's Submission**

The Sub Committee considered a report (circulated with the agenda) in which determination was sought for an application for a Premises Licence. Emma Hyde (Public Protection Officer – Licensing) reported that 11 relevant representations had been received in objection to the application and two in support. The application was for the following licensable activities:

- Sale by retail of alcohol (on and off sales) Monday to Sunday 08:00-23:00
- Sale by retail of alcohol (on and off sales) New Year's Eve – 08:00-00:00

It was noted by the Sub Committee that there were three options available to them:

1. To grant the licence as applied for

2. To modify the conditions of the licence
3. To reject the whole application.

The Public Protection Officer explained that the blue notice was not displayed until 7 August 2024, so the consultation period had been extended by 11 days.

Attention was drawn to the list of licensed premises in the vicinity of the Shambles, available on page 31 of the agenda pack. The Public Protection Officer highlighted that although the Swan Hotel did hold a Premises Licence, the building was closed and being marketed for sale. Clarification was also provided that the Licensing Act 2003 had not yet been amended to reflect the succession of King Charles III, so documents still included reference to Her Majesty's prerogative.

The following parties attended the hearing and took part in it:

### **On behalf of the Applicant**

Three representatives on behalf of Kayra Collection Ltd.

### **Relevant Representations**

Six individuals that had, between them, made five representations were in attendance.

### **Responsible Authorities**

There were no responsible authorities present.

The Chairman advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting. He then invited the representatives of the Applicant to introduce their application.

### **Applicant's Submission**

The representatives spoke in support of the application, highlighting the following points:

- The Director of Kayra Collection Ltd. had over 20 years' experience in the hospitality industry including in boutique hotels. He had worked as Beverage Manager in the Manor Hotel in Castle Combe as well as Manager at the Grange Hotel in Bradford on Avon.
- Other representatives ran the Bunch of Grapes Bakery and Deli in Bradford on Avon.
- They valued the quality of life of local residents and wanted the business to be part of the community.
- They were grateful for the opportunity to attend the Sub Committee and to be involved in the democratic process.
- They planned to invite neighbours to the venue before its formal opening.

- New jobs in hospitality would be available for local people. Hospitality was a great way for young people to gain diverse skills and improve their confidence.
- They wanted to create a social hub and bring life to the area after 3pm.
- The adjoining café already had a Premises Licence between 8am and 11pm.
- They had spoken to the local council to check that they had permission to paint the front of the premises in their preferred colour.
- Improvements had been made to the courtyard adjoining Coppice Hill ('the courtyard'), including new floor slabs and installing a counter. A couple of stools would be placed outside to allow guests to sit down.
- It was not planned to serve alcohol until 11pm; alcohol was intended primarily as an accompaniment to food.
- It was intended to open a daily bakery and specialise in local products.
- The Applicants were happy to consider shorter opening hours for the courtyard than the internal space.
- They were trying to create a similar environment to that of a book club.

### **Sub Committee Members' questions**

In response to the questions to the Applicant, the following points of clarification were given:

- The character of the venue would change throughout the day. Pastries would be served for breakfast and there would be a salad bar available at lunchtime. They would run a tapas style restaurant in the evening with table service.
- Homemade gifts, sauces and artisan products would be sold.
- There would not be a bar.
- Seating had been installed downstairs and the plan was to install more seating upstairs as the business grew.
- The alleyway to the rear of the venue would only be used as a fire exit and for bin storage.
- The venue only had a small kitchen which limited the range of cooked food that they would be able to serve.

### **Questions from those who made a relevant representation**

In response to questions to the Applicants from those that had made a relevant representation, the following points of clarification were given:

- The off sale of alcohol was being applied for in the licence, which would enable drinks to be sold for consumption off site.
- It would be possible to buy a bottle of wine and take it away if the licence applied for was granted.
- They were not applying for a licence to play live music.
- The downstairs windows facing Coppice Hill would not be opened.
- There was only a single upstairs window facing Coppice Hill.

The Public Protection Officer confirmed that a licence was not required for the playing of recorded background music.

### **Responsible Authorities' submissions**

There were no representatives of Responsible Authorities present.

### **Submissions from those who made relevant representations**

#### Representation 2

- They were opposed to the side courtyard being open, as it would create noise pollution and present a risk to public safety with access straight onto the highway.

#### Representation 3

- The courtyard presented a risk to public safety, as its small size would force customers to spill out onto the highway.
- Coppice Hill was only three metres wide and did not have a pavement.
- Pedestrians did not often appreciate that Coppice Hill was open to traffic.
- The primary concern was noise and public nuisance. The residential dwellings were, single skinned, close together and single glazed, so noise transferred easily between buildings.
- Conversations held at a normal volume could be heard a long way up the hill, even indoors.
- People tended to speak more loudly when they were eating and drinking.
- They were very worried about the detrimental impact on the quality of life of the residents on Coppice Hill caused by potential noise pollution.

#### Representation 4

- They had lived on Coppice Hill for 28 years.
- It was possible to hear conversations held 25 metres away.
- There was no suitable public access to the courtyard.
- There had been problems with noise pollution previously when a public house had fallen into the wrong hands.
- Residents moderated their behaviour in order to avoid noise spilling over to neighbouring dwellings.
- Some of the potential noise pollution could be avoided by closing the courtyard.
- The courtyard was not fit for use after hours.
- The potential for noise pollution bothered them greatly.

### Representation 8

- There were concerns about how the licence, if granted, would impact access along the Shambles and whether the adjoining greengrocer would be included in the application.

The Public Protection Officer confirmed that the adjoining greengrocer would not be included in the application.

### Representation 9

- The residential dwellings along Coppice Hill were single glazed and this would not prevent noise pollution.
- The courtyard being open would effectively create a back door onto the highway and was an accident waiting to happen.

### **Sub Committee Members' questions**

In response to the Members' questions to those that made relevant representations, there were a range of responses about what were felt to be acceptable opening hours for the courtyard. One representative felt that it would be acceptable for the courtyard to be open between 11:30am and 3pm, although still had reservations about traffic due to the volume of deliveries during those hours. Another representative argued that the courtyard should never be open to the public, whilst a further representative felt that the courtyard should not be open after 6pm.

### **Questions from the Applicant:**

- There were no questions from the Applicant's representatives.

### **Closing submissions from those who made relevant representations**

In their closing submission, people that made a relevant representation in objection to the application highlighted the following:

- The distance between houses on either side of Coppice Hill was very small and their windows would be open in the summer.
- The courtyard would look directly onto a resident's front door.
- It was easy to hear conversations held by neighbours on Coppice Hill, so the licence applied for was likely to cause noise pollution.
- The neighbouring properties did not have double glazing.

### **Applicant's closing submission**

In their closing submission, the representatives of the Applicant highlighted the following:

- A representative stated that they were happy to close the courtyard to the public by 6pm every day.
- Another representative suggested that they would prefer a staggered closing time for the courtyard, 6pm in the winter and 9pm during the summer months.
- The outside door to the courtyard could be kept closed after 6pm, except in the event of a fire.
- The gate between the courtyard and Coppice Hill would have a child lock installed.
- Vaping and smoking would not be permitted in the courtyard.
- Granting the licence would not cause new problems, as there were existing businesses in the area and local people were already able to hear nearby conversations.
- The main entrance to the premises would be via the Shambles.
- Coppice Hill was a non-through road and had limited amounts of traffic.
- They would not add to the current noise pollution in the area.
- If public nuisance was caused, then it would be possible to request that the licence was reviewed.
- Health and safety policies would be in place

### **Points of Clarification Requested by the Sub Committee**

The following points were clarified for the Sub Committee

- The potential available outside space for seating at the front of the premises, on the Shambles, was 5.8 by 1.8 metres. The plan was to use customised bench furniture to make sure that it was hard to move.
- Risk assessments for health and safety would be reviewed on an annual basis.
- Details about child safety were provided, including that prams would not be allowed to block fire exits.

The Sub Committee then adjourned at 11:30am and retired with the Senior Litigation Solicitor and the Democratic Services Officers to consider their determination on the licensing application. Cllr Sam Charleston also stayed as an observer.

The Hearing reconvened at 12:03pm.

The Senior Litigation Solicitor advised that he gave legal advice to the Sub Committee relating to the licensing objectives.

**The Western Area Licensing Sub Committee RESOLVED:**

**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 Premises Licence in respect of (Fig, 5 The Shambles Bradford on Avon, BA15 1JS) be GRANTED for the licensable activities as shown below:

Licensable Activities	Days	Timings
Sale by retail of alcohol (on and off sales)	Monday to Sunday	08:00 – 23:00
Sale by retail of alcohol (on and off sales)	New Year's Eve	08:00 – 00:00

**Subject to the following condition:**

**As proposed by the Applicant and amended and imposed by the Sub Committee**

The courtyard fronting onto Coppice Hill is to be closed to the public by 18:00 each day.

**Reasons**

In reaching its decision, the Sub Committee considered all the written evidence as well as the oral representations from all parties present at the hearing. The Sub Committee noted the concerns raised by local residents regarding noise pollution, acknowledging their worries about the poor acoustic qualities, and proximity of, residential properties. They also took account of statement from the Applicant saying that they were willing to reduce the opening hours of the rear courtyard to mitigate potential noise pollution and that they did not intend to allow smoking or vaping in the courtyard.

The Sub Committee considered that the closure of the courtyard by 18:00 every day would limit the public noise nuisance to the local residents. They also stated that they would welcome the courtyard not being used for smoking or vaping at any time.

In addition, the Sub Committee considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire



**Council. They heard no evidence that the Applicants would fail to promote the licensing objectives.**

### **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.**

(Duration of meeting: 10.30 am - 12.08 pm)

The Officer who has produced these minutes is Matthew Hitch of Democratic Services, e-mail [matthew.hitch@wiltshire.gov.uk](mailto:matthew.hitch@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)