

Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 8 JUNE 2021.

Present:

Cllr Ernie Clark, Cllr Peter Hutton and Cllr Stewart Palmen

Also Present:

Sarah Marshall – Senior Solicitor, Wiltshire Council
Emma Batchelor – Public Protection Officer (Licensing), Wiltshire Council
Lisa Pullin – Democratic Services Officer
Kevin Fielding – Democratic Services Officer

1 Election of Chair

Nominations for a Chair of the Licensing Sub Committee were sought and it was

Resolved:

To elect Councillor *Peter Hutton* as Chair for this meeting only.

2 Apologies for Absence/Substitutions

No apologies were received.

3 Procedure for the Meeting

The Chair 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 11 of the Agenda refers). The Chair informed the parties that two Councillors – Cllr Hopkinson and Cllr Yuill would be observing the hearing (and not taking part) for training purposes only.

4 Chair's Announcements

There were no announcements.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application for a Variation of a Premises Licence; Woolley Grange Hotel, Woolley Green, Bradford On Avon, Wiltshire, BA15 1TX

Licensing Officer's Submission

The Sub Committee gave consideration to a report (circulated with the Agenda) in which determination was sought for an application for a variation of a premises licence, presented by Emma Batchelor (Public Protection Officer – Licensing) for which two relevant representations had been received. The application was for the following licensable activities:

- To Increase the licenced area to include the Glamping Field and Outdoor Pool where a Restaurant/ Bar will be sited as the current licence

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

- Grant the application, on the terms and conditions applied for.
- Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
- To reject the application in whole or in part.

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

On behalf of the Applicant

- Ms Clare Hammond – Manager
- Mr Simon Maguire – Operations Director

Relevant Representations

- Mr Tim Darsley - local resident in objection to the application
- Mrs Caroline Watson - local resident in objection to the application

Responsible Authorities

- There were none

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

Applicant's submission

The Applicant - Stephen Graham spoke in support of the application, highlighting the following points:

- That the hotel was looking to provide a high end glamping experience at their family friendly hotel.
- That the pricing of the drinks menu would not promote anti-social drinking.
- That security would be employed in the evening to ensure that nothing got out of hand.
- That any meals served would be finished by 9:30pm in a family friendly manner.
- That there would be some background music, with occasional guitar music also presented.
- That the glamping area should be regarded as part of the existing hotel and not a separate entity.
- That tests carried out by the hotel did not evidence any additional noise or disturbance.
- That the glamping pods built were facing away from the respondents dwellings.

Sub Committee Member's questions

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

- Could residents of the clamping pods bring their own alcohol – *there were no rules preventing guests from bringing alcohol but the hotel does however charge corkage on these drinks.*
- What would stop a guest using a glamping pod from inviting friends to join them that were non-residents - *this would be monitored by the*

security on duty to ensure that there was no excessive noise and other pod guests were not disturbed.

- *Were there any restrictions on car movements at night – once guests were in residence, cars would not be moved. The staff car park is situated further away.*

Questions from those who made a relevant representation

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

Tim Darsley – were glamping pods playing music and were any wedding events taking place when these tests were carried out?

The glamping site was fully booked with 5 pods and a generator in use. The noise monitoring was carried out from Grange view – no audible noise was heard.

Relevant Representations

Mrs Watson

The application is not appropriate for this part of Woolley and will lead to disturbance in a quiet rural area.

You can hear residents using the swimming pool, so you would be able to hear noise from the glamping pods. The pods were also missing from photos submitted by the applicant.

Concern was raised about the tests but Mrs Watson confirmed she did not recall any noise on Saturday night from the glamping field.

The photos sent did not show the pods which can be seen from the residential properties. The 24 hour provision is inappropriate and not in keeping with the Woolley Grange Hotel.

The wedding market will attract party goers and late noise. With the camping/glamping young children do not go to bed early.

There will be camping in groups and could be 40 – 50 people gathering for a wedding. People will bring their own alcohol to have a good time.

The application does not indicate the position of tents. 165m from the Grange but it didn't show how close it was to people living in the area.

Mr Darsley

Getting a clear picture of what the hotel was applying for in its application had been vague. That in his view adding a whole new field was not a variation of the licence – the hotel and clamping should be two separate licences.

He raised concerns regarding the lack of time limits for food and drink.

He raised concerns regarding the applicant promoting a lively outdoor setting with music and food, with no limits to members of the public attending. Potentially it could be a new outdoor pub in Bradford on Avon.

Sub Committee Members' questions

The Sub-Committee had no questions for Mr Darley and Mrs Watson.

Questions from the Applicant to Mr Darley and Mrs Watson

Stephen Graham to Mrs Caroline Watson

- 24 hour service of alcohol was not part of the application.
- The construction noise was not the same as hotel/background noise, or normal background music etc.
- That only yourself and Mr Darsley had objected. The 3 other residents of Grange View had not raised any objections
- – ***Caroline Watson – the three other residents of Grange View were older people who were not computer literate and were not aware of the plans of the Woolley Grange hotel.***

Closing submissions from those who made relevant representations

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

- Mrs Caroline Watson – Concerns re the wedding services offered which would not be family orientated
- Mr Tim Darsley – There are lots of reassurances from the applicant but he had not seen any formal amendments to the application.
- That food and drink appeared to be available 24/7 at the hotel.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

- Mr Stephen Graham – That the Wooley Grange Hotel was a good business and that its plans would not cause issues to the respondents and neighbours.
- Mr Simon Maguire – That glamping was fully part of our family oriented target market. That the Wooley Grange Hotel respected the concerns of the local residents.

- That the hospitality industry had really struggled during the pandemic and that the hotel was keen to move on.
- That the glamping site would be managed properly to ensure no issues.

Points of Clarification Requested by the Sub Committee

There were no points of clarification requested by the Sub Committee.

The Sub Committee then retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Sub Committee asked the Public Protection Officer back at 1220 pm to answer one question regarding the amendment; Were the two people who made representations informed of the amendment to reduce the timings from 24 hours to Monday to Sunday 0900 to 2300

Ms Batchelor confirmed that they were both informed of the amendment by the applicant before leaving at 12:21 pm.

The Hearing reconvened at 12:30pm

The Senior Solicitor advised that she gave no significant legal advice to the Sub Committee. The Senior Solicitor confirmed that the Public Protection Officer was required to return answer one question regarding the amendment which was given to the Sub Committee at 1220 pm. There were no further representations by the parties.

Decision

The Western Area Licensing Sub Committee RESOLVED to increase the licenced area to include the Glamping Field and Outdoor Pool where a Restaurant/Bar will be sited. Monday-Sunday 09:00-23:00hrs

Reasons for Decision

In reaching its decision, the Sub Committee took account of and considered all the written evidence and representations and oral submissions received from the Applicant and parties who made relevant representations at the hearing.

The Sub Committee also considered the concerns raised at the hearing by Ms Watson and Mr Dursley relating to patrons causing noise and anti-social behaviour whilst drinking outside on the premises. No evidence of complaints regarding the noise of patrons attending the licensed premises was submitted to the Sub Committee and the Sub Committee noted no relevant representations were received from the responsible authorities. However, the majority of the Sub Committee were satisfied there was no evidence before the Sub

Committee that the variation to the licence would either increase the noise or cause anti-social behaviour on the premises. It was further noted by the Sub Committee that no noise complaints had been received by the Responsible Authority - Environmental Health. Several of the concerns raised by the parties were found by the Sub Committee to be outside of the remit of Licensing because they concerned planning matters or a statutory nuisance which were matters for Environmental Health or Planning. The Sub Committee were further satisfied that the parties who had made representations were notified by email of the amendment to the application to reduce the timings from 24 hours to Monday to Sunday 0900 to 2300. The Sub Committee also considered the photographic evidence contained on the Agenda pack.

The Sub Committee further noted that if subsequently, there was evidence of noise nuisance or anti-social behaviour, or similar arising from the use of the premises for the licensable activities with the potential effect of undermining the licensing objectives then it was open to any person (including Responsible Authorities) to request a review of the licence under the provisions of the Licensing Act 2003 and the matter would come back to the Sub Committee.

The Sub Committee carefully considered the representations received from local residents. However, it was established law that any decision to refuse the grant of a premises licence had to be evidenced based. Having regard to all the material before it, the Sub Committee did not consider there to be evidence that if the licence were granted in accordance with the application and the imposition of the conditions referred to above that one or more of the licensing objectives would be undermined.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the four Licensing Objectives; the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of the written 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 is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of s.51 of the Licensing Act 2003. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence.

(Duration of meeting: 11.00 am - 12.50 pm)

The Officer who has produced these minutes is Kevin Fielding, direct line 01249 706612, email kevin.fielding@wiltshire.gov.uk

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