

Southern Area Licensing Sub Committee

MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 3 AUGUST 2022 AT THE GUILD HALL, MARKET PLACE, GUILDHALL SQUARE, SALISBURY SP1 1JH.

Application made by J Hitchings Partners for a Premises Licence in respect of West Barn Lodge, Fovant, Salisbury, Wilts, SP3 5LL

Present:

Cllr Trevor Carbin, Cllr Kevin Daley and Cllr Robert Yuill

Also Present:

Sarah Marshall – Principal Solicitor, Wiltshire Council

Emma Hyde – Public Protection Officer, Licensing, Wiltshire Council

Kevin Fielding – Democratic Services Officer, Wiltshire Council

38 Election of Chairman

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

Resolved:

To elect Councillor Kevin Daley as Chairman for this meeting only.

39 Apologies for Absence/Substitutions

There were no apologies.

40 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 5-11 of the agenda pack refers).

41 Chairman's Announcements

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

42 Declarations of Interest

There were no interests declared.

43 **Licensing Application**

Application for a Premises Licence West Barn Lodge, Fovant, Salisbury,
Wiltshire, SP3 5LL

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 Premise Licence, presented by Emma Hyde - (Public Protection Officer – Licensing) for which one relevant representation had been received. The application was for the following licensable activities:

Licensable Activities	Hours
Live Music (indoors)	17.00 – 00.00 daily
Recorded Music (indoors)	17:000 – 00.00 daily
Late Night Refreshment (indoors)	23.00 – 00.00 daily
Sale of Alcohol (on sales)	08.00 – 00.00 daily

It was noted by the Sub Committee that representation 6J (contained in the agenda pack) had withdrawn and therefore was no longer valid.

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

1. Grant the application, on the terms and conditions applied for.
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. Refuse the application in whole or in part.

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

Applicant: Barney Hitchings - J Hitchings Partners

Relevant Representations

Mrs M Ferris, 4 West Farm Cottages, Fovant, Wiltshire, SP3 5LJ

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

It was noted that no representations were received from the Responsible Authorities.

The Chairman invited the Applicant to introduce their application.

Applicant's submission

The Applicant (Mr Barney Hitchings) spoke in support of the application, highlighting the following points:

- That the applicant had spoken to the then two objectors to try and allay their concerns to the proposed application.
- That since meeting with licensing officer, it had been agreed that proposed events would now end at midnight and not 2am.

Sub Committee Member's questions

Were sound assessments to be carried out to monitor noise?

The Applicant confirmed that yes, a noise limiter will then be fitted, and would be looking into which doors and windows should remain closed to help with noise limitation.

How would PA equipment be sited within the venue?

The Applicant confirmed that a decibel meter would be fitted within the venue and that any speakers would be facing south and west during events.

Would landscaping bunds be used to deflect noise?

The Applicant stated that trees could be planted in due course if required to help alleviate noise issues.

Would the venue have an open public bar?

The Applicant stated the venue would be used for private events only and wouldn't be opened as a public bar.

Note: The Applicant provided some interior photos of the barn which were accepted by the Sub Committee to add context to the discussions.

Questions from those who made a relevant representation

It was noted that Mrs M Ferris was not in attendance at the hearing. The Chairman read out aloud the written objection from Mrs Ferris contained in the agenda pack

There were no representatives of Responsible Authorities present.

Applicant's closing submission

In his closing submission, the Applicant advised that fruitful discussions with the objector had been held, with reassurances that there would not be live and recorded music every weekend.

Points of Clarification Requested by the Sub Committee

No points of clarification of the Applicant's final submission were requested by the Sub Committee.

The Sub Committee then adjourned at 11am and retired with the Principal Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 11:25am.

The Principal Solicitor advised that she had given no significant legal advice to the Sub Committee.

The Chairman announced the decision of this Sub Committee:

DECISION

Southern Area Licensing Sub Committee

Decision made on 3 August 2022

Decision:

That the Southern Area Licensing Sub Committee resolved to GRANT the application for a Premises Licence in respect of West Barn Lodge, Fovant made by J Hitchings Partners as applied for and to include the timings detailed below and subject to the following conditions:

Licensable Activities	Hours
Live Music (indoors)	17.00 – 00.00 daily
Recorded Music (indoors)	17:000 – 00.00 daily

Late Night Refreshment (indoors)	23.00 – 00.00 daily
Sale of Alcohol (on sales)	08.00 – 00.00 daily

Conditions:

- 1. That the applicant will fit a noise limiter and the provision of regulated entertainment (live and recorded music) is carried out strictly in accordance with the Noise Management Plan prepared by the applicant and agreed by the Licensing Authority by 4 October 2022.**
- 2. That Noise levels from regulated entertainment or any amplified music shall not exceed LAeq25dB (5 mins), nor NR Curve 20 when measured at the boundary of any noise sensitive receptor.**
- 3. Any openings (doors and windows) shall be closed when any amplified music takes place**

Reasons:

In reaching its decision the Sub Committee took account of and considered all the written evidence and representations from all parties and the oral submissions received from the applicant Mr Barney Hitchings and Mrs M Ferris who had made a relevant written representation which was read out to the Sub Committee by the Chair.

The Sub Committee considered the detailed representations made by the Applicant regarding the merits of his application and the steps the Applicant intended to take to ensure the promotion of the Licensing Objectives. The Applicant confirmed to the Sub Committee that he will fit a decibel meter and would ensure any speakers are facing south and west during events. The Sub Committee also considered and noted the concerns raised by Mrs M Ferris relating to noise from live and recorded music and noise from vehicles at closing time.

The Sub Committee noted no relevant representations were received from the responsible authorities.

In reaching its decision, the Sub Committee took account of all representations made and was satisfied with the steps that the applicant proposed to promote the licensing objectives.

The Sub-Committee also considered the relevant provisions of the Licensing Act 2003; the Licensing Act 2003 (Hearings) Regulations 2005, the four Licensing Objectives; the Revised Guidance 2018 issued under Section 182 of the Licensing Act 2003 and the Licensing Policy of Wiltshire Council.

Right to Appeal

The parties were informed that the Premises Licence Holder, any Responsible Authority(ies) and Interested Parties who have made representations 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 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.

The parties were informed that a Responsible Authority or an Interested Party may apply to the Licensing Authority for a Review of a Premises Licence in accordance with the provisions of section 51 of the Licensing Act 2003. 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.

(Duration of meeting: 10.30 - 11.30 am)

The Officer who has produced these minutes is Kevin Fielding of Democratic Services, direct line 01249 706612, e-mail kevin.fielding@wiltshire.gov.uk

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