

## DECISION NOTICE

### Northern Area Licensing Sub Committee

#### Decision made on 30 November 2021

Application for a Variation of a Premises Licence in respect of The Pear Tree, Purton  
made by Venue Catering and Events Ltd

#### Councillors:

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

#### Decision:

The Northern Area Licensing Sub Committee **RESOLVED** to **GRANT** the application for the variation of the Premises Licence as detailed below and subject to the following conditions:

Licensable Activity	Timings	Days
Live music (Indoors and Outdoors)	10:00hrs to 00:00 (Indoors) 10:00hrs to 18:00hrs (Outdoors)	Monday to Sunday
Recorded Music (Indoors and Outdoors)	10:00hrs to 00:00 (Indoors) 10:00hrs to 18:00hrs (Outdoors)	Monday to Sunday
<b>Non-Standard Timings</b> New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.	From 00:00 until 01:30	
Provision of late-night refreshment (Indoors and Outdoors)	23:00hrs to 00:30hrs	Monday to Sunday

<p>Sale by retail of alcohol for consumption <b>ON</b> the premises</p> <p><b>Non-Standard Timings</b> New Year's Eve to be extended from the normal terminal hour on New Year's Eve (into New Year's Day) until the normal commencement hour on New Year's Day.</p>	<p>10:00hrs to 00:00hrs</p> <p>From 00:00 until 01:30</p>	<p>Monday to Sunday</p>
<p><i>Hours open to the public (not licensable)</i></p>	<p>10:00hrs to 00:30hrs</p>	<p>Monday to Sunday</p>

**Subject to the following conditions:**

1. ON sales only are permitted in the areas marked in green and red on **Plan 1**, the area marked in purple on **Plan 2** and the area marked in green on **Plan 3**
2. Amplified Live and recorded music will not be permitted indoors in the area marked in red on **Plan 1**.
3. Non-amplified live and recorded music at a background noise level is only permitted in the area marked red on **Plan 1** and the area marked in purple on **Plan 2**.
4. Training
  - a. All members of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act, conditions of the Premises Licence, the Noise Management Plan connected with this premises and its licensing conditions and the promotion of quiet departure of all patrons. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.
  - b. All training undertaken by staff members shall be fully documented and recorded and should be completed bi-annually.
  - c. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police

and authorised officers of the Licensing Authority on request.

- d. All staff shall be trained - including regular refresher training - in personal licences, first aid, how to identify drunk or drug impaired customers and conflict management training. This training shall be repeated at least bi-annually and written records of the training kept and made available to police and authorised officers of the Licensing Authority on request.

## 5. Age Restricted Sales

- a. All members of staff shall have training in age restricted sales including regular refresher training. Written records of this training shall be kept on the premise and made available to Police and authorised officers of the Licensing Authority on request.
  - b. A live working bar compliance folder to include incident logging and a refusals log to be made available to the Licensing Authority and Wiltshire Police on request.
  - c. The premises to have in place proof of age requirements for bar sales, Challenge 25 (passports, driving licence or approved ID) to be in place.
6. The premises will be responsibly managed at all times.
  7. All events will be carefully managed to minimise the impact on neighbouring residential properties.
  8. There will be zero tolerance to drunken anti-social behaviour.
  9. Security checks of all public areas to be undertaken throughout each event.
  10. The Designated premises supervisor or a personal licence holder to be present on site during any event.
  11. The converted conditions contained in Annex 2A of the licence LN/000003080 are removed.

## 12. CCTV

- a. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.
- b. CCTV covering areas inside and outside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements.
- c. A staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times that the premises are open to the public. This staff member will be able to show police or authorised officers of

the Licensing Authority recent data footage with the minimum of delay when requested.

- d. CCTV shall be working and recording correctly at all times. All images shall be stored for a minimum of 31 days.

13. The premises shall operate a zero tolerance policy to drug use and have a drugs policy in place and all staff to be trained in the implementation of the policy. The policy should be made available to police and authorised officers of the Licensing Authority on request.

14. The premises shall ensure clients attending the premises are aware of closing times and have made suitable provision for transport.

15. The premises to ensure all public areas to have sufficient lighting.

#### 16. Management of Noise

- a. The approved Noise Management Plan shall be implemented and adhered to prior to and during all events.
- b. The premises shall engage an acoustician to advise on suitable mitigation measures and demonstrate that they are able to carry out the requested activities without causing a public nuisance. The acoustician shall produce a report to be submitted in writing to the Environmental Health Officer. This report must detail measures to control noise from all types of music and people noise. These mitigation measures must be incorporated into a noise management plan by 28 February 2022.
- c. A noise management Plan shall be submitted and agreed in writing by the Environmental Health Officer and implemented fully thereafter. It shall be reviewed every 3 months and to include controls for music, (live, recorded, unamplified) and people noise.

Noise management plan must also include:

- target sound levels at key monitoring points close to the boundary with residential premises to allow the Pear Tree to undertake their own validation monitoring during events to ensure that noise controls are working.
- written observations shall be made at agreed points on the premises perimeter by a member of staff. This shall relate to both music and people noise. Notes shall also be made on what corrective actions were taken.

- The noise limiter level shall be set by agreement with the Environmental Health Officer's recommendations. The noise limiter must be set at a level where music is not audible at residential dwellings.
- d. Any music played outside shall not be audible at the premises boundary.
  - e. Windows and doors shall be kept closed when there is music for entertainment in the Orangery.
17. Any late-night refreshment to be restricted to indoors only.
18. A dedicated telephone number will be made publicly available and will be manned during operating hours of the premises.

### **The Applicant**

The Applicant's representative informed the Sub Committee that they had carried out changes to the premises and outside area of the premises in order to carry out events including weddings and were seeking to vary the licence and to extend the licence area and conduct those events. Since the Licensing Authority had made contact with the Applicant, events since September had been conducted by way of TENS.

The Applicant's representative accepted that weddings carried out during the summer of 2021 had created a public nuisance and disturbance to residents who resided close to the premises.

The Applicant offered a sincerely apology to those residents for doing so. The Applicant's representative noted that two responsible authorities had made representations and on the day of the hearing spoken to the Environmental health officer regarding the provision of a suitable and appropriate Noise Management Plan.

### **Responsible Authorities**

There were two representations from the Licensing Authority and Environmental Health. regarding the operation of the licence and events which took place over the Summer of 2021 and the public nuisance (noise) which had severely impacted local residents.

### **Representations**

Representations were received from eighteen residents including Purton Parish Council regarding the public nuisance arising from the events which had taken place over the Summer 2021 and events operated under TENS during the Autumn 2021.

### **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 and Councillor who spoke to the representation made by Purton Parish Council.

The Sub Committee having heard the representations took the view that the Applicant understood the implications arising from the public nuisance that had arisen during the summer and the impact on local residents and that the Application had confirmed to the Committee through its evidence that it would undertake various steps in future to ensure the promotion of the licensing objectives in particular the prevention of public nuisance. The Sub Committee made clear to the Applicant the implications arising from any failure to promote the licensing objectives.

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**

It should be noted 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.

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.