

DECISION NOTICE

Eastern Area Licensing Sub Committee

Decision made on 20 August 2013

In respect of an application for a Premises Licence made by Pop-Up Pub Co. Ltd for The Vaults, 28a St John's Street, Devizes

Decision:

The Eastern Area Licensing Sub Committee has resolved to GRANT the Premises Licence for the following licensable activities:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Films (indoors)	11:00 – 21:00 12:00 – 21:00	Monday – Saturday Sunday
Provision of Late Night Refreshment (indoors)	23:00 – 00:30 (next day)	Christmas Eve and New Years Eve only
Sale by Retail of Alcohol (on site and off site)	11:00 – 21:00 12:00 – 21:00 11:00 – 00:30 (next day)	Monday – Saturday Sunday Christmas Eve and New Years Eve
Opening Hours	11:00 – 21:30 12:00 – 21:30 11:00 – 00:30 (next day)	Monday – Saturday Sunday Christmas Eve and New Years Eve

And subject to the following additional conditions:

1. That no glasses or open vessels be taken outside (to avoid disturbance to neighbouring properties whilst patrons go outside to smoke).
2. All windows and doors to remain closed except for access and egress.

3. That CCTV with recording facilities will operate at all times that licensable activities take place. Images to be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority and to be of sufficient quality to identify individuals. Recordings to be retained for 28 days.
4. A challenge 25 Policy to be operated at the premises with acceptable forms of identification to include a current passport, photocard driving licence, Touch2ID and PASS accredited identification cards.

Reasons

The Sub Committee noted that the applicant had modified his original application to reduce the hours of opening and to remove both live and recorded music from the list of activities. They were also informed by the applicant that he had carried out acoustic testing to assess the level of noise transmitted to the neighbouring property and that he would take other measures to try to reduce noise attenuation.

The Sub Committee considered the points raised by Mr. Hilderley, the owner of the adjacent property, who stated that, whilst there had been some progress in reducing noise attenuation, for example by the installation of secondary glazing to the shared window, he remained concerned at being disturbed by the noise from patrons of the pub. The also took note of the comments from Mr. Blake and Mrs. Wright who expressed concern that the granting of a premises licence would increase the amount of noise and other public nuisance in the local area.

The Sub Committee felt that the reduction in the hours of operation of the premises and the other measures being taken by the owner, together with the additional conditions proposed, were appropriate to address the concerns of the residents, to the extent that they fell within the licensing regime.

In reaching their decision, the Sub Committee considered the written evidence presented in the agenda together with the oral evidence given at the hearing, noting in particular the concerns in respect of noise disturbance.

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

The granting of this licence is without prejudice to any other consents or approvals that may be required.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision.