

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 6 AUGUST 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN VARIATION OF A PREMISES LICENSE - THE PEAR TREE, TOP LANE, WHITLEY, MELKSHAM, WILTSHIRE, SN12 8QX

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Sue Evans

Also Present:

Piers Warne, Jackie Cosens, Adrian Warner, David Farr, Knowles Mitchell, Asifa Ashraf, Teresa Bray, Kieran Elliott, Cllr Peter Evans, Cllr George Jeans and Fiona Rae

1 Election of Chairman

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

Resolved:

To elect Cllr Trevor Carbin as Chairman for this meeting only.

2 Procedure for the Meeting

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 1 – 6 of the Agenda refers).

3 Chairman's Announcements

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

4 Declarations of Interest

There were no declarations of interest.

5 Licensing Application

Application by Punch Taverns PLC for a Variation of a Premises Licence at The Pear Tree, Top Lane, Whitley, Melksham, Wiltshire, SN12 8QX.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the applicant, the Responsible Authorities and those who had made a relevant representation were given the opportunity to address the Sub Committee.

Key points raised by Piers Warne, TLT Solicitors, on behalf of the applicant, were:

- That the application was modest in nature and would involve one additional hour in the morning, one in the evening, and 24 hour access to the premises for guests.
- The previous application had been granted in 2005 with no additional conditions and the current application sought to remove grandfather conditions.
- It was highlighted that the Parish Council representation had been withdrawn and that there were no representations from responsible authorities.
- It was explained that the community was in support of the local pub and that only the evening hours were contentious.
- The applicants explained that the application and the operating schedule had taken the views of local people into account.
- It was also noted that the applicants had been managing pubs for close to 23 years and were community focused.
- The intention of the applicants was to recreate a traditional village pub with local beers and ciders, locally sourced food, and local staff. The reason for the application was to achieve more flexibility to suit local need.
- It was explained that there were other establishments that remained open later in nearby towns and the applicants did not believe that the additional hour in the evening would result in an influx of patrons from outside the village.
- No evidence had been provided regarding an increase of noise in the area as a result of the additional licensing hours.

The parties were given the opportunity to ask questions of the applicant and the following issues were addressed:

- When asked to what degree the additional hour in the evening would be used, the applicants explained that the additional hour was envisaged to support the primary purpose of the pub as a family orientated establishment; it was not intended to drive business.

Key points raised by those who had made a Relevant Representation, Mr David Farr and Mr Knowles Mitchell, were:

- Mr David Farr explained that there was a high level of support for the pub to reopen.
- The signatories to the Neighbours of The Pear Tree Inn petition (contained in Appendix 5) were concerned that the extension to the licensing hours would be out of keeping with the ethos of the quiet village.
- There had been noise disturbance from the pub in the past.
- There were concerns relating to the prevention of public nuisance as the car park of The Pear Tree Inn directly faced the road and a number of houses in the village.
- The concerns of the lead petitioner and a number of petitioners had been mitigated slightly following a meeting between the petitioners, Punch Taverns, and Jackie Cosens and Adrian Jenkins. However, some concern remained about the effect of trading after 11pm in the village.
- It was requested that the leaseholders and Punch Taverns consider an element of noise suppression, namely to maintain the hedging on the site and consider tarmacing the car park to reduce noise and dust. Mr Knowles Mitchell explained that there was a high level of demand for a local pub and drew attention to the support shown in the supporting petition (contained in Appendix 8).
- Mr Knowles Mitchell explained that The Pear Tree Inn had previously won national awards for food and attracted diners from the surrounding area. It was presented that the pub must be flexible in order to compete with other premises and to be commercially viable.
- Attention was drawn to the value of The Pear Tree Inn as a community asset and the limited effect of the additional hours.

The following questions were asked of those who had made relevant representations:

- The Sub Committee asked Mr David Farr if he was familiar with the review process which would provide a means to voice any noise concerns that arise after The Pear Tree Inn reopened. It was confirmed that Mr David Farr was content for The Pear Tree Inn to be reopened and to use the review process if necessary.

The parties were then invited to make any points in summation.

Those who had made relevant representations made the following points in summation:

- Mr David Farr supported The Pear Tree Inn at present and in so far as the pub continued to respect the ethos of the village.
- Mr Knowles Mitchell echoed this sentiment and thanked Mr David Farr for his support.

The applicants made the following points in summation:

- The applicants had noted and would look into the concerns of the local residents.
- It was considered that the benefits of the application outweighed the risks.
- The service to be provided by The Pear Tree Inn was not tailored to attract patrons who would conflict with the ethos of the village and the main intention was to maintain the local pub.

The Sub Committee members retired at 10.55am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 11.05am.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that there was no specific material legal advice given in closed session.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

Resolved:

To GRANT the Variation of a Premises Licence for The Pear Tree, Top Lane, Whitley, Melksham, Wiltshire, SN12 8QX, as detailed below:

Licensable Activity	Hours
Late Night Refreshment (indoors only) Non standard timings	23:00 hrs to 00:00 hrs daily Residents staying within the letting rooms and their bona fide guests will be permitted late night refreshment from 23:00 hrs to 05:00 hrs
Supply of Alcohol (on and off the premises) Non standard timings	10.00 hrs – 00.00 hrs daily Residents staying within the letting rooms and their bona fide guests will be permitted alcohol to be sold to them 24 hrs a day

Hours premises are open to the public	10.00 hrs – 00.30 hrs (the following day) daily
Non standard timings	Residents staying within the letting rooms and their bona fide guests will be permitted access to the premises 24hrs a day

Granted as applied for and subject to conditions consistent with the steps set out in the operating schedule.

Reasons

After taking into account the written representations from all parties and the oral arguments received at the hearing, the Sub Committee carefully considered the concerns raised by those who had made representations regarding the application.

These concerns related principally to noise and disturbance in the village. The Sub Committee noted that some of the relevant representations were withdrawn at the hearing and took into account the applicant's consideration of these noise concerns.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); 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 receipt of this decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.10 - 11.15 am)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services, direct line , e-mail

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