

NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 9 DECEMBER 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - WADSWICK GREEN LTD, CORSHAM, SN13 9RD

Present:

Cllr Allison Bucknell, Cllr Jon Hubbard and Cllr Peter Evans

Also Present:

Wiltshire Council

Lisa Pullin (Democratic Services Officer)
Jemma Price – (Public Protection Officer – Licensing)
Paul Taylor (Senior Solicitor)

Applicants

Jose Afonso – Personal Licence Holder
Steven Gooden, Standley & Co Solicitors
Peter Ford, Chairman of Rangeford

Those who made Relevant Representations

Peter Pearson – On behalf of Corsham Town Council
Cllr Charles Fuller – Town Cllr for Neston

6 Election of Chairman

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

Resolved:

To elect Councillor Allison Bucknell as Chairman for this meeting only.

7 **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 5 – 11 of the Agenda refers).

8 **Chairman's Announcements**

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

9 **Declarations of Interest**

There were no interests declared.

10 **Licensing Application**

Application by Wadswick Green Limited for a Premises Licence at Wadswick Green Retirement Village, Corsham, Wiltshire

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 Mr S Gooden of Standley & Co Solicitors on behalf of the Applicant were:

- That Wadswick Green was a collection of a retirement homes with a difference. The average ages of occupants were 55 to 75 and the aim of the development was to provide high quality amenities to its residents and visitors;
- The Greenhouse restaurant would primarily cater for the residents of Wadswick Green and their families, but it would also be open to the public with priority being given to residents;
- In recognition of the concerns raised by those who had made relevant representations the Applicant wished to amend the application so that the premises was only open to 00:00 hours and not 01:00 as applied for;
- It was hoped to use the terrace areas for concerts or plays and the timings were requested to allow for any performances that might over run from the normal licensing times;

- The Applicant was extremely conscious of local residents and wanted to work with them so as not to cause to disturbance and for them to use the facilities; and
- There was no intention to have a dancefloor or run the premises as a nightclub facility; its function was to serve the residents of Wadswick Green.

Key points raised by Peter Ford, Chairman of Rangeford Holdings (Developers) on behalf of the Applicant were:

- It was planned that 247 apartments would be built once the development was completed. Apartments first went on sale in May 2015 and at present there were around 35 residents; and
- The Greenhouse restaurant would be unlikely to attract younger members of the public to the premises if they did not have any family living at Wadswick Green.

Key points raised by Mr Jose Afonso, Personal Licence Holder on behalf of the Applicant were:

- He was the General Manager of the premises and he had been a personal licence holder for 9 years and had been involved in a number of high end events and so was well experienced; and
- He accepted that there were noise concerns from local residents but assured that they should not be affected by any of the events planned for the premises and there were no loud music concerts planned.

The parties were given the opportunity to ask questions of the Applicant as follows:

How many residents were there at Wadswick?

There were currently 112 homes ready and 24 of these were occupied – this was the 1st phase of development. The target was to provide 247 homes.

You said for example that you would not take a booking from a stag party at The Greenhouse – will you hold external functions and how will the bookings be managed?

Any function bookings taken would have to have a connection with a resident and our dining (function) room only seats up to 12 in any event. If a large booking was requested we would consult with residents.

Key points raised by Peter Pearson (on behalf of Corsham Town Council) who made a Relevant Representation were:

- That the Town Council had had the opportunity to go and view the premises since making their representation and they were now comfortable with the way in which the premises were being run. Having heard the submissions from the Applicants he confirmed he felt reasonably conformable with the application.

Key points raised by Councillor Charles Fuller (Town Councillor for Neston) who made a Relevant Representation were:

- He was the nearest resident to the development being around 175 yards away;
- If the Applicants wished to extend their timings for licensable activities they could apply for a Temporary Events Notice as necessary;
- Have the residents of Wadswick Green made the request that the alcohol be available until 1am?
- For the residents of the local area need to be protected and their peace and quiet should be paramount – is there going to be blaring music and lights until 1am every day? Established hours for a public house is OK.

The parties were given the opportunity to ask questions of those who had made Relevant Representations as follows:

What do you mean by established pub hours are OK?

It is not necessary for this establishment to have the same opening hours as a pub with drinking until 1am and outside music.

You say that residents in the area should be protected – is this based on your residents views that have been reported to you?

I have been informed that they have expressed concerns about this.

Those who made Relevant Representations made the following points in summation:

- I had concerns with the original application with drinking and music every night until 1am and now this has been amended I am less concerned – although would want there to be disturbance to neighbouring residents or residents of the development.

Mr Gooden on behalf of Applicant made the following points in summation:

- The application was to be amended as follows:

Sale by retail of alcohol 11.00 to 00.00 Thursday/Friday/Saturdays
11.00 to 23:00 Sunday to Wednesday

All regulated entertainment to end at 23.30 each day.

- The Applicants have listened to the views and concerns raised and made the above amendments in light of this; and
- They were seeking to run a high class facility and the closing times would be strictly reinforced.

The Sub Committee members retired at 11.10am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 11.35am.

When making their deliberations, the Sub Committee had noted that although the application had been amended the Applicant had not asked for any different timings for bank holidays and New Year's Eve.

The Applicant requested that the licence be granted to allow them to carry out licensable activities until 01:00 on New Year's Eve. The Chairman asked if the other parties present were in agreement with this. Agreement for this was confirmed.

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:

The Northern Area Licensing Sub Committee has resolved to grant the application made by Wadswick Green Limited for a Premises Licence at Wadswick Green Retirement Village, Corsham.

During the hearing the Sub Committee were informed that, following discussions with some of those who has made relevant representations, the applicant wished to amend the application so as to reduce the hours of licensable activity.

Having considered all of the representations, both written and oral, the Sub Committee has resolved to grant a premises licence for Wadswick Green Retirement Village, Corsham, as follows:

<p>Sale by retain of Alcohol (ON and OFF sales)</p>	<p>11.00 – 23.30 Sunday to Wednesday 11.00 – 00.00 Thursday/Friday/Saturday</p>
<p>Provision of Regulated Entertainment (indoors and outdoors):-</p> <p>Exhibition of Films Live Music Recorded Music Performance of Dance</p>	<p>11.00 – 23.30 Monday to Sunday</p>

Reasons

The Sub Committee noted the concerns of the Town Council and local residents regarding the proposed hours of operation of the Premises. However, the Sub Committee accepted that the Premises would primarily be used by Residents of the Village and their relatives or guests and that there would be limited use by other members of the general public. Such use would be controlled by the management of the Premises. Given the nature of the Premises, their location and proposed use, together with the reduction in hours now proposed, the Sub Committee were satisfied that the application, as amended, was acceptable and did not consider that there was a need to add any further conditions to meet the licensing objectives.

Right of Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of this decision. Any person or Responsible Authority has the right to request the Licensing Authority to review the licence. Such an application may be made at any time, but where a request is made by a person other than a Responsible Authority, a review will not normally be held within the first twelve months of a licence, or within 12 months of any previous review save for the most compelling reasons.

(Duration of meeting: Hearing - 10.15am – 11.10am
Adjournment – 11.10 – 11.35am
Return to Hearing – 11.35 – 11.45)

The Officer who has produced these minutes is Lisa Pullin,
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