

Eastern Area Licensing Sub Committee

**MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING
HELD ON 8 MARCH 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER.**

Present:

Cllr Peter Hutton, Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Nic Puntis
(Substitute)

Also Present:

Sarah Marshall – Senior Solicitor (Litigation), Wiltshire Council
Teresa Isaacson - Public Protection Officer (Licensing), Wiltshire Council
Kevin Fielding – Democratic Services Officer, Wiltshire Council
Kieran Elliot – Democratic Services Manager, Wiltshire Council

1 **Election of Chairman**

Resolved:

To elect Councillor Peter Hutton as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

No apologies or substitutions were received.

3 **Procedure for the Meeting**

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee.

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 to 11 of the agenda refers).

4 **Chairman's Announcements**

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

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

To determine an application for a variation of a Premises Licence in respect of Crown Inn, Chandlers Lane, Bishops Cannings, Devizes, Wiltshire, SN10 2JZ made by Red Oak Taverns Limited.

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 variation of a Premises Licence presented by Teresa Issacson - (Public Protection Officer – Licensing) for which seventeen relevant representations had been received.

The application was for the following licensable activities contained in Appendix two of the agenda pack.

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

- To grant the licence as applied for.
- To modify the conditions of the licence.
- To reject the whole or part of the application.

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

On behalf of the Applicant

Sarah Taylor - Partner at Poppleston Allen Licensing Solicitors
Nathan Aldiss - Red Oak Taverns Limited
David Elder - Red Oak Taverns Limited
Gary Molloy - Licensee
Judith McFarland - Licensee

Relevant Representations

Relevant representations were attached as Appendix 6 of the agenda pack with a location map of resident's representations attached as Appendix 7.

On behalf of the Applicant

Sarah Taylor - Partner at Poppleston Allen Licensing Solicitors outlined the application.

Points made included:

- That the applicants were looking to serve drinks to campers – fizz for breakfasts etc.
- Regulated entertainment – that the applicants wanted to push entertainments – coming out of covid restrictions.
- That the applicants were not looking to hold regular music events.
- That the applicants wanted regulated music outside – beer garden.
- That the applicants wanted flexibility of what type music events they could hold.
- That the venue was a village pub – not looking to hold large events.
- That music events would usually be held on bank holidays, small events - afternoon/evening affairs, with BBQ etc.
- That no representations had been received from the Wiltshire Police.
- That the applicants had met with local residents to try and allay any concerns that residents may have had.
- The need to have some flexibility – the applicant not wanting to apply for Temporary Entertainment Notices as required.
- That some local residents had written letters of support for the applicants.
- Concerns re location of the pub being located next to the village church – the applicants had worked with the church to avoid events clashing with church events.
- That the applicants were working with a local resident who had experience of running music events.
- That staff and applicants would be monitoring noise levels in the beer garden.

- That there had been some issues during the European football championship during the Summer of 2021 – first England game was being shown, some rowdiness, singing, chanting and shouting had occurred with police being called, but no violence occurred.
- That the applicants would have no problem if the Sub-Committee felt that an events management plan should form part of any conditions imposed.

Relevant Representations

Eric Clark – Bishops Cannings PC – was happy with Sarah Taylor's outline of the application and had no questions.

Paul Taylor – queried whether the beer garden & camping field were classed as a work place in the licensing legislation when there was an event and staff were working there.

Sub Committee Member's questions

In response to Members questions the following points of clarification were given:

How do you engage with the local community advising them when you were planning to hold an event?

Sarah Taylor – conversations have been held with church warden and events go onto Facebook and website, a large banner on the car park wall, A1 billboards on the pub structure.

Concerns were raised re the lack of planning permission for the use of the camp site

Sarah Taylor – it was used as a camp site and a work area – looking to have this area licensed as a work place extended beer garden

Was the outside bar not licensed?

Sarah Taylor – not licensed or being used at the moment, customers were consuming drinks in this area and as such needed to be serviced by staff – collecting glasses etc.

Questions from those who made a relevant representation

In response to questions from those that had made a relevant representation, the following points of clarification were given:

Eric Clark – Bishops Cannings PC had concerns re extending of the licensed area, which he felt would be out of proportion.

Paul Taylor – local resident – felt that there could be a compromise, reducing the area specifically licensed for music.

The issue of the camping field and as to whether it was a work place he felt was debatable.

Elizabeth Frearson – looking to support the applicants, but Bishops Cannings was a small village.

Would it be more appropriate to use Temporary Entertainment Notices when required.

That the field was separate from the pub and was large and out of proportion which could create a noise issues, why couldn't alcohol be served from the old beer garden.

Wanted the pub to be profitable but not at the expense of local residents suffering public nuisance issues.

David Lewin – local resident – concerns re the risk of public nuisance in a small quiet village.

Thought that the owners were a small family business, but now understood that the venue was owned by a large business with several similar operations.

That there was a need for a balance for the pub to make money and the residents to enjoy a peaceful life in the village.

Questions from the Applicant:

There were no questions from the Applicant.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given:

That Temporary Entertainment Notices didn't give residents much in the way of consultation, and created a situation where events needed to be managed separately.

That a maximum of twenty Temporary Entertainment Notices could be issued to a venue during a calendar year.

Submissions from those who made relevant representations

There were none.

Sub Committee Members' questions

In response to Members questions the following points of clarification were given:

There were none.

Applicant's closing submission

In their closing submission, the Applicant highlighted the following:

That they could just go with Temporary Entertainment Notices, but this would be limiting and gave lack of flexibility re weather etc.

The perception of local residents that there would be a large event if a Temporary Entertainment Notice was granted.

That the venue were keen to work with residents, and do not want to upset the village – the importance of managing things properly.

Events management plan – happy to have this.

Happy to have a dedicated phone number for residents to use if they had concerns re events etc.

That there had been no history of complaints related to the venue.

That the applicants would comply with any conditions that were set by the Sub-Committee.

That the applicants were happy to have five events per year, generally on a weekend – events would be spaced across the calendar and would be one day events.

The Sub Committee then adjourned at 11:20am and retired with the Senior Solicitor and the Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 12:10pm.

The Chairman thanked all attendees for their input.

The Senior Solicitor advised that she gave the following legal advice to the Sub Committee on the definition of workplaces, conditions and Temporary Entertainment Notices

The Chairman advised that at its meeting held 8 March 2022, the Eastern Area Licensing Sub Committee resolved to GRANT the application for a variation of a Premises Licence in respect of The Crown Inn, Chandlers Lane, Bishops

Cannings, Devizes, SN10 2JZ as applied for and to include the timings detailed below and subject to two conditions;

1. **That Outdoor events for over 500 attendees be limited to 5 one day events per year and the applicant to provide an Event Management Plan to the Licensing Authority 28 days prior to the events.**
2. **That a dedicated telephone number is provided to the Parish Council and made publicly available during opening hours.**

Licensing Activities	Hours
Indoor Alcohol Sales (ON & OFF Sales)	08:00 – 00:00 Everyday Non standard timings and seasonal variations: New Year’s Eve: 08:00 – midnight January 1st
Outdoor Alcohol Sales (ON)	10:00 – 23:00 Everyday Non standard timings and seasonal variations: New Year’s Eve: 10:00 – midnight January 1st
Live Music Recorded Music Similar to any Music or Dance (indoors)	10:00 - 23:00 Everyday Non standard timings and seasonal variations: New Year’s Eve: 10:00 - 02:00 January 1st
Late Night Refreshment (indoors)	23:00 – 00:00 Everyday Non Standard timings and seasonal variations: New Year's Eve: 23:00 - Midnight January 1st
Hours open to the public	08:00 – 01:00 Everyday Non Standard timings and seasonal variations: New Year’s Eve: 08:00 – 01:00 January 2nd

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 Parish Council and parties who made relevant representations at the hearing.

The Sub Committee noted the concerns raised by the Parish Council and those who had made representations relating to public nuisance with regards to noise arising from the use of the field and events attended by over 500 people, in particular given the premises was located in a small rural village and close to residential housing. The Sub Committee heard the Applicant was working hard to build their business after the hardships of the Covid pandemic during 2020/21 and was keen to engage with local residents and the community and they had confirmed to the Sub Committee they would ensure events would be managed in an appropriate manner. The Applicant had worked with the Church and would continue to ensure that planned events at the premises would not clash with church events.

Regarding the use of the field by the Applicant, the Sub Committee noted the definition of workplace as 'any premises or part of premises which are not domestic premises and are made available to any person as a place of work which includes any place within the premises to which such person has access while at work' as set out in the Workplace (Health, Safety and Welfare) Regulations 1992.

The applicant confirmed to the Sub Committee that they would prepare an Event Management Plan for future events. The Sub Committee stated that the applicant would need to be more pro-active in its noise monitoring.

The Sub Committee finally noted that they had not received evidence of crime and disorder and the Police and Environmental Health had not made a representation.

The Sub Committee having heard the representations took the view that the Applicant understood the impact of public nuisance on local residents and that the Application had confirmed to the Committee through its evidence that it would take steps 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.

The meeting closed at 12:15pm.

(Duration of meeting: 10.15 am - 12.15 pm)

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