

NORTHERN AREA LICENSING SUB COMMITTEE

MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 SEPTEMBER 2015 AT THE COUNCIL CHAMBER, DEVIZES TOWN HALL, ST JOHN'S STREET, DEVIZES SN10 1BN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE BY A & P JACKSON LTD, THE OLD BANK HOUSE, THE STRAND, CALNE, SN11 0EN

Present:

Cllr Dennis Drewett, Cllr Jose Green and Cllr Simon Jacobs

Also Present:

Paul Taylor (Senior Solicitor), Kieran Elliott (Senior Democratic Services Officer), Jemma Price (Public Protection Officer), Cllr Sue Evans and Hannah Hould (Public Protection Officer), Katie Whitworth (Applicant), Francesca Whitworth (Applicant)

1 Election of Chairman

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

Resolved:

To elect Councillor Simon Jacobs 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".

3 Chairman's Announcements/Substitutions

Details of the exits to be used in the event of an emergency were provided.

4 Declarations of Interest

There were no interests declared.

5 Licensing Application

Application by A&P Jackson Ltd for a Premises Licence at The Old Bank, The Strand, Calne, SN11 0EN.

The Public Protection Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. Attention was drawn to appendix 2 and the amendments to the requested opening hours.

In accordance with the procedure detailed in the agenda the Applicant was given the opportunity to address the Sub Committee.

Key points raised by Katie and Francesca Whitworth, the applicants, were:

- The applicants stated were very conscious of the need to uphold the licensing objectives and believed the conditions they had volunteered would achieve this. Emphasis was placed on due diligence such as the Challenge25 system, training staff adequately and monitoring those using the premises. Notices asking people to respect local residents would also be present.
- It was stated the premises was fairly small and would be intended as a light, friendly establishment rather than for partying and excessive drinking, but that door staff would be arranged as necessary for any potential incidents.
- It was stated effort had been made to contact local residents prior to the limited construction works necessary, to inform them of the intended nature of the premises and measures to mitigate any concerns, and that residents would continue to be informed of any issues.

As none of those who had made a relevant representation in objection to the application were in attendance, points were raised by the Sub-Committee including:

- Questions were raised on the level of music that would be played, and what measures would be taken to mitigate the noise disturbance. It was stated in response that the music would primarily be background music to set a relaxing atmosphere, rather than loud enough to prevent people talking normally. It was confirmed that such a level of music would not in fact require a licence.
- Questions were raised about the experience of the applicants running such an establishment, and details were provided.
- In response to queries details were also provided on the layout of the establishment, the capacity of around 100 including staff, and how bottles would be stored inside the premises and disposed of quietly following closure.
- The requested opening times and sale of alcohol times were discussed, and it was stated 0200 was felt to be a reasonable closing time giving other closing times in the area, but that the applicants intended to stop sale of alcohol half an hour before closing as well. Late night refreshment was confirmed to be supplies of hot drinks and perhaps small snacks only.
- It was confirmed that planning permission on the premises currently restricted the opening hours from that requested for the premises

licence, and that the applicants intended to appeal that restriction as disproportionate and unnecessary.

The Sub Committee members sought clarification on further points before retiring at 1340 to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 1400

No specific legal advice had been provided to the Sub-Committee during their deliberations 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 resolved to GRANT the application for a Premises Licence for The Old Bank House, The Strand, Calne, as detailed below:

Licensable Activity	Timings	Days
Recorded music	08:00hrs - 23:00hrs 08:00hrs - 00:00hrs 08:00hrs - 02:00hrs	Sunday to Wednesday Thursday Friday to Saturday
Provision of late night refreshment	23:00hrs - 00:00hrs 23:00hrs - 02:00hrs	Thursday Friday to Saturday
Sale by retail of alcohol - ON Sales	08:00hrs - 22:30hrs 08:00hrs - 23:30hrs 08:00hrs - 01:30hrs	Sunday to Wednesday Thursday Friday to Saturday
Opening Hours	08:00hrs – 23:00hrs 08:00hrs – 00:00hrs 08:00hrs – 02:00hrs	Sunday to Wednesday Thursday Friday to Saturday
Non Standard Timings	08:00hrs – 02:00hrs	Public Holidays, Christmas Eve and New Years Eve

Granted as applied for and subject to conditions consistent with the steps set out in the operating schedule, and the following additional or amended conditions:

- 1) Sufficient door staff as determined by a risk assessment of the premises will be employed, but as a minimum door staff to be employed on Fridays and Saturdays and public holidays from 2100 until closure. The risk assessment will be made available on request.**

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 public nuisance and anti-social behaviour. The Sub Committee considered the nature of the establishment and the measures put in place to mitigate noise concerns such as notices, plans for sufficient door staff as amended, training and others sufficiently addressed those concerns to ensure the application adhered to licensing objectives. It was also noted the applicants clarified they were happy for sale of alcohol to end half an hour before closure of the premises, and the Sub-Committee resolved to amend the times accordingly to further the prevention of public nuisance.

The Sub Committee also considered 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.

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: 1.00 - 2.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services
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