

EASTERN AREA LICENSING SUB COMMITTEE

MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 31 OCTOBER 2016 AT RAMSBURY MEMORIAL HALL, 26 HIGH STREET, RAMSBURY MARLBOROUGH, WILTSHIRE, SN8 2PB IN RESPECT OF APPLICATION FOR A VARIATION OF A PREMISES LICENCE, CROWN AND ANCHOR, 1 CROWOOD LANE, RAMSBURY, MARLBOROUGH

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Mike Hewitt

Also Present:

Hannah Hould (Public Protection Officer), Paul Taylor (Senior Solicitor), Kieran Elliott (Senior Democratic Services Officer), Ray Penny (Applicant).

Those Making Representation: Helen Lyons, Sheila Glass, Ian Smith, Ken Baker, Steven Standage, Carol Standage, Judith Daniel, Richard Daniel, Eric Webster, Paul Segal, Henry Allen, Janet Webster, Kenneth Birbeck, Trish Birbeck

1 **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.

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**

There were no announcements.

4 **Declarations of Interest**

There were no interests declared.

5 Licensing Application

Application by Mr Raymond Penny for a Variation of a Premises Licence: Crown & Anchor, Crowood Lane, Ramsbury, Marlborough, SN8 2PT

The Licensing Officer, Helen Hould, introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. In particular it was noted the application had been amended following representations and meetings with the parish council. In total seven representations in objection had been withdrawn from the initial application.

In accordance with the procedure detailed in the agenda, the Applicant and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Raymond Penny, applicant, and Ian Smith in support of the Applicant were that the intention of the variation was to permit more flexible use regarding the use of music and sale of alcohol, not that music would be performed every evening. The extension to the garden area was only to allow people to legally drink there, not hold events, the lack of which had been an oversight of the previous landlord. It was stated the community was forefront in the mind of the applicant, and there was no evidence to support allegations of poor behaviour linked to the operation of the current licence that would be worsened if the variation was granted, and other licensed properties in the area had even later hours permitted.

Key points raised by Paul Segal in objection were that the location was not suitable for operation of such late hours, that the current hours were appropriate and warnings had been given due to the playing of music outside licensed hours in the past year. Management of noise and numbers of patrons was not good, and conditions had not been taken seriously.

Key points raised by Sheila Glass, Parish Councillor, were that the parish council were not formally in support or objection, but had held meetings to discuss the objections that had been raised and attempted to facilitate a compromise suitable to all.

The parties were given the opportunity to ask questions of the Applicant, those who made a Relevant Representation and Wiltshire Council Officers. Clarity was sought on the number of likely events with regulated entertainment, management of patrons, noise levels and mitigation measures that would be put in place.

The Sub Committee members sought clarification on further points, and after summary statements from those making representations and the applicant, retired to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 1100.

The Hearing reconvened at 1130.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed no specific legal advice had been given in the closed session.

Resolved:

The Eastern Area Licensing Sub Committee has resolved to grant the variation of the Premises Licence in respect of the Crown & Anchor, Crowood Lane, Ramsbury, Marlborough, SN8 2PT, as detailed below:

Licensable Activity	Hours
Live Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) Friday: 19:00-23:30 Saturday: 19:00-00:00hrs Sunday: 12:00-23:00hrs Christmas Eve until 01:00 New Year's Eve until 02:00
Recorded Music (Indoors)	Monday-Thursday: current licence hours (falls under deregulations so 08:00-23:00) Friday: 19:00- 23:30 Saturday: 19:00-00:00hrs Sunday: 12:00-23:00hrs Christmas Eve until 01:00 New Year's Eve until 02:00
Sale of Alcohol (ON & OFF the premises)	Monday-Thursday: 10:00-23:00 (same as current licence hours) Friday-Saturday: 10:00-00:00 Sunday: 12:00-23:00 Christmas Eve until 01:00hrs New Year's Eve until 02:00hrs

Subject to the following conditions

The DPS and Premises Licence Holder to take all reasonable measures to manage and control noise emissions from regulated entertainment. These management measures shall include:

- Control of internal source noise levels and bass component to ensure that the impact outside the premises is not unreasonable
- Regular noise levels to be recorded whenever regulated entertainment is taking place, such levels to be kept below 65dB constant and no more than 70dB at peak , with a reduction of source noise level by 5dB between 23:00 and 00:00hrs
- Closure of all windows during regulated entertainment
- All external doors to remain closed during regulated entertainment except for ingress and egress

- Management of the numbers and frequency of events so as not to cause an unreasonable incremental impact on the locality
- Regular checks externally when licensable activities are taking place to ensure that the impact is not unreasonable

Reasons:

The concerns raised by the objectors related primarily to the proposed additional hours of regulated entertainment on Friday and Saturday nights, given that the premises were in a predominantly residential area.

After considering the written evidence and that submitted orally at the hearing, the Sub Committee was satisfied that the proposed additional conditions were appropriate to address the concerns of neighbouring residents regarding possible noise nuisance and met the licensing objectives. They also noted that the applicant had stated that he intended to introduce further sound proofing measures, including installation of double glazed windows

Right of Appeal:

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written 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: 10.30 - 11.30 am)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504 , e-mail kieran.elliott@wiltshire.gov.uk

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