

DECISION NOTICE

Northern Area Licensing Sub Committee

Decision made on 20 May 2019

Application for a Variation of a Premises Licence in respect of The Old Lane, Lodge Road, Pewsham, Chippenham

Decision:

The Northern Area Licensing Sub Committee resolved to GRANT the application for a Variation of a Premises Licence as follows:

1. Layout

The amendments to the layout of the premises as identified on the attached plan (JMDA1468/116) are agreed by the Sub-committee in order to bring both the patio areas and the pub garden within the licensed areas of the premises. The external area is limited to retail sale of alcohol and late night refreshment.

2. Licensable activities/Hours

Licensable Activity	Timings	Days
Films (indoors)	10:00 – 00:00 10:00 – 01:00	Sun to Thurs Fri & Sat
Indoor sporting events	10:00 – 00:00 10:00 – 01:00	Sun to Thurs Fri & Sat
Live music (indoors)	10:00 – 00:00 10:00 – 01:00	Sun to Thurs Fri & Sat
Recorded music (indoors)	10:00 – 00:00 10:00 – 01:00	Sun to Thurs Fri & Sat
Performance of dance (indoors)	10:00 – 00:00 10:00 – 01:00	Sun to Thurs Fri & Sat
Late night refreshment	23:00 – 00:00 23:00 – 01:00	Sun to Thurs Fri & Sat
Sale of Alcohol (ON and OFF sales)	10:00 – 00:00 10:00 – 01:00	Sun to Thurs Fri & Sat
Hours premises open to the public	07:00 – 00:30 07:00 – 01:30	Sun to Thurs Fri & Sat

a) The Sub Committee agreed that the non standard timings and seasonal variations for live music, late night refreshment (on and off sales), and the sale of alcohol (on and off sales) to be 10:00 to 01:00 on the dates of 1 January, 25 January, 14 February, 1 March, 17 March, 31 October, 26 – 30 December inclusive and 10:00 to 02:00 on 24 December.

b) Grant the extension of hours in respect of New Year's Eve in order to permit the premises to operate from opening on 31 December to closure on 1 January.

3. Amendment to Conditions – Annex 2b Operating Schedule

a) PREVENTION OF PUBLIC NUISANCE

- Notices are to be prominently displayed at all exits from the premises requesting that patrons respect the needs of people living in the area and to leave the area quietly.
- When live or recorded music is being provided the DPS or Licence Holder is to ensure that noise from the premises is monitored outside the premises on at least three occasions. The monitoring data should be logged and retained for a minimum of 30 days and made available on request. When noise is found to be at a level likely to cause disturbance to people living in the vicinity, immediate steps are to be taken to reduce the noise level plus when regulated entertainment is undertaken all external doors and windows to be closed save for access and egress.

b) PROTECTION OF CHILDREN FROM HARM

- The premises to operate a Challenge 21 scheme.
- Staff to be trained in respect of underage sales on an annual basis and such training records to be retained and made available for inspection by the Licensing Authority and Police.
- No adult entertainment is permitted at these premises.
- Children under the age of 16 are not permitted to enter the premises after 22:00 hours unless attending a pre-booked function or dining.

c) PREVENTION OF CRIME AND DISORDER

- Sufficient door staff as determined by a Risk Assessment of the premises will be employed.
- The Designated Premises Supervisor will actively participate and support local Pubwatch Scheme so long as the same exists.
- A Closed Circuit Television recording system shall be installed at the premises and the number and position of cameras determined by a risk assessment of the premises.
- The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place.

- Recordings taken from the CCTV system are to be kept for a minimum of 28 days and are to be made available to any authorised officer of the Licensing Authority, Police or Weights and Measure Authority upon request.

The Sub Committee considered that the re-writing of the operating schedule will significantly enhance the promotion of the licensing objectives and the proposed conditions will provide a more readily understandable framework for compliance by staff going forward particularly through the removal of references to those conditions which are now covered by the mandatory conditions.

4. Reasons

The Sub Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from the Applicant's representatives, Council Officers, and those that made relevant representations.

Those concerns related to the perceived public nuisance arising from increased music noise to the proposed extension of licensed hours and the perceived increase of anti-social behaviour due to the proposed extension of the licensed hours.

The Sub Committee noted the concerns of a resident who had made a relevant representation regarding noise from a previous live music event and accepted that a degree of noise disturbance had likely occurred when the premises was under control of the previous owners.

The Applicant's representative confirmed to the Sub Committee that their vision for the future of the premises was to be a community premises with food and entertainment, suitable for families, such as bingo, quizzes and charity events.

The Applicants accepted that the premises was located in a noise sensitive environment and that live music was only expected to take place once a month during the winter months. A new sound system with automatic shutdown had now been installed at the premises. Additionally, there had been changes to the management of the Premises including a new Designated Premises Supervisor with the experience of managing premises successfully.

The Sub Committee welcomed the addition of a condition for the DPS or Licence Holder to monitor noise from the outside of the premises on at least 3 occasions when live or recorded music is being provided and agreed that these findings should be logged and retained for inspection upon request.

In reaching its decision 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 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.