

Western Area Licensing Sub Committee

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 4 AUGUST 2020 HELD VIA MICROSOFT TEAMS.

Present:

Cllr Allison Bucknell, Cllr Peter Evans (Substitute) and Cllr Peter Hutton

Also Present:

Carla Adkins – Public Protection Officer, Wiltshire Council
Kevin Fielding – Democratic Services Officer
Sarah Marshall – Senior Solicitor, Wiltshire Council
Lisa Pullin – Democratic Services Officer, Wiltshire Council

1 **Election of Chairman**

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

Resolved:

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

2 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

3 **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”.

4 **Chairman's Announcements**

The Chairman advised that this was the first Western Area Licensing Sub Committee online hearing.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

To consider and determine an Application for a Variation of a Premises Licence in respect of The White Hart, Lane End, Corsley made by Adelle Gill.

Licensing Officer's Submission

1. Carla Adkins - Public Protection Officer - Licensing, Wiltshire Council introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

Points made included:

2. That an application for a variation of a Premises Licence in respect of The White Hart, Corsley had been made by Adelle Gill for which nine relevant representations had been received. The application for a variation to the premises licence was received and accepted as a valid application on 11 June 2020.
3. That copies of the application form, plan and current premises licence were contained in the agenda pack.
4. Due to COVID-19 restrictions, a Licensing Officer was unable to carry out a site visit and check the blue notice and as such on the 18 June 2020, the applicant was contacted and asked to provide an email with a photograph of the blue notice in-situ which was promptly provided. The Licensing Officer was unable to see the date on the blue notice and contacted the applicant on 21 June 2020. The applicant gave assurances that the date 11.06.20 was handwritten in biro on the blue notice, however it was faint from the outside of the premises and the Licensing Officer requested that the date be written in bold so it could be clearly seen. The request was complied with and a photograph of the amended blue notice in situ was emailed to the Licensing Officer on 21 June 2020.
5. That a notice was not published in a locally circulating publication within 10 days of submitting the application which resulted in the consultation period being extended to 14 July 2020.
6. That there were nine valid representations against the application. The Licensing Authority also received ten emails of support for the application, however these were not included in the report as they do not relate to the licensing objectives.
7. During the consultation period Wiltshire Council's Environmental Health Officer requested a noise management plan from the applicant. This was provided by the applicant and accepted by the Environmental Health Officer.
8. It was then noted by the Sub Committee that there were three options available to them;
 - i) To grant the licence as applied for.

- ii) To modify the conditions of the licence.
- iii) To reject the whole or part of the application.

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

On behalf of the Applicant

- Adele Gill – The Licence Holder

Relevant Representations

- Mr Paul Evans who made representations on behalf of himself, the Chudleys and the Pugsleys
- Cllr Neil Britton for the Parish Council
- Simon Jasper – observer for the Parish Council
- Mr Hanney - local resident
- Mr Parkinson – local resident

Applicants Submission;

- 10. Adelle Gill – Licensee of The White Hart, Lane End, Corsley outlined why she had applied for an application for a variation of a Premises Licence.

Points made by the Applicant include:

- 11. She was not intending to run a takeaway food outlet but looking to provide food for her customers to take away.
- 12. She did want to provide the odd bit of live music, but these events would number no more than twelve per year. She was trying to do her best for the business, and they had to pay for each TENS application made.
- 13. The pub had good relationship with the local police.
- 14. The premises had been closed for some seven years and that she was keen to make it a going concern and a real part of the village.
- 15. She was more than happy to discuss with local residents any concerns that may have.

Members Questions to the Applicant

- 16. How were you planning to publicise your events? –
The pub has a good social media presence with a calendar of events and advertising with local papers.
- 17. Why not a licence that would cover just Bank Holidays and weekends?
The Applicant would like the licence to cover the odd special events during the week.

18. Would you admit people into the pub after 11pm for takeaway?
No, just patrons using the pub.

19. Noise issues – do you have a contact number?
The licensee or manager would be on hand at all times.

20. How many people usually attend your music events?
No more than 50.

21. What Area do you advertise to?
We advertise with Caravan Clubs as a tourist area, Warminster and Frome, plus social media advertising.

22. What sort of outdoor lighting does the pub have?
All outdoor lights could be turned off.

Questions from other parties to the Applicant

23. Why do you need to extend your business and licensing hours to make it work?
As the licensee, I just want some flexibility.

24. Will you be running events over a two-day period?
There will be no two-day events.

25. The Chair of the Sub Committee clarified that for licensing purposes New Year's Eve to New Year's Day are considered a two-day period.

26. Why an extra hour till Midnight?
Just to give the pub an extra bit of freedom however, we'd be happy with 11:30pm.

27. Why haven't you contacted villagers about your plans?
This is because of Covid restrictions etc. We have tried to work with Corsley Parish Council.

28. The Applicant in summary stated she wanted to work with local residents, and she did not feel she blocked any communications and she wanted to build a relationship. The premises had been closed for 7 years and she is working hard and investing in the premises and she also lives on the premises.

Relevant Representations

29. Mr Paul Evans - representative for local residents felt that local residents understood the need for local enterprise, and pro-active marketing, however this shouldn't come at the detriment of local residents or their environment. Many residents were either elderly or had young children. The noise from the premises in the past in the summer has been

considerable. There are homes located close to the premises car park and noise arising from banging of car doors and shouting.

30. Cllr Neil Britton – Corsley Parish Council advised that the Parish Council had no desire to discourage the applicant, however with the pub's location there were concerns re local residents and noise related issues in particular late at night. Concern that the Applicant was seeking to bring camper van parking to the car park and the issue of littering. There were also highways related concerns.
31. Mr Parkinson – stated he hoped that the premises could thrive, and they want the Applicant to improve her communications with the village and can the overnight parking be stopped.
32. The Chair of the Sub Committee stated that issues such as littering can be dealt with outside of the Licensing hearing. Highway issues are not a matter for the Licensing Sub Committee.
33. The Sub Committee members sought clarification on some points concerning Reviews of Licenses and the number of TENS applications that can be made per year by Licensed Premises (15) before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.
34. The Sub Committee then retired to consider the application.
35. The Senior Solicitor advised that he gave no significant legal advice to the Sub Committee.

Resolved:

- 36. That the application for a Variation of a Premises Licence in respect of The White Hart, Lane End, Corsley made by Adelle Gill be granted.**
- 37. 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 those who made relevant representations at the hearing.**
- 38. The Sub Committee considered representations made by the Applicant regarding the merits of her application and the concerns raised at the hearing by Mr and Mrs Evans (who also represented Ms Pugsley), Mr and Mrs Chudley, Mrs Liquorice, Mr and Mrs Hanney, Mr and Mrs Parkinson, and Mr Eggleton and Corsley Parish Council (Mr Neil Britten – Parish Councillor and Mr Simon Jasper – Parish Councillor who was observing only) regarding the application. Those concerns related to the perceived public nuisance arising from noise of the live and recorded music on the premises after 23:00 if the hours were extended to midnight and the**

impact of the noise on neighbouring properties. Concerns were also raised about the potential noise arising from patrons and their vehicles attending and leaving the premises and noise and litter from those using the takeaway service. The issues raised by Corsley Parish Council concerned the highway junction, parking and traffic issues were not considered by the Sub Committee as these issues did not address the Licensing Objectives. No representations from the Police as a responsible authority were received.

39. The Sub Committee noted that the Applicant wished to have flexibility while she built up the business which had been previously closed for seven years before she took the lease in September 2019 and the Applicant had informed the Sub Committee that although she had applied for live music indoors until midnight she would not object to 23:30 as her main concern was the risk of breaching the licence if the live music was played for a few minutes beyond 23:00 . The Applicant had completed her personal licence holder training and had carried out further training with a licensing training company. The Sub Committee further noted from the Applicant that she would undertake noise monitoring during live events, and she wished to engage with the village in future regarding potential events.

40. The Sub Committee considered it was appropriate to restrict the live music indoors until 23:30 Friday, Saturday and Bank Holidays.

41. 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.

Additional Conditions

42. No new admission of customers to the premises after 23:00.

43. The Premises Licence Holder to publicise any planned live music events that will end after 23:00 at least 14 days in advance of that event.

44. An updated Noise Management Plan to be submitted to the Licensing Authority within 28 days for approval.

Right to Appeal

45. All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written 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 is made by the Magistrates Court.

46. A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence.

(Duration of meeting: 10.00 am - 12.25 pm)

The Officer who has produced these minutes is Kevin Fielding - Tel 01225 706612
email committee@wiltshire.gov.uk of Democratic Services

Press enquiries to Communications, direct line (01225) 713114/713115

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DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 4 August 2020

Application for a Variation of a Premises Licence in respect of The White Hart, Lane End,
Corsley made by Adelle Gill

Decision:

The Western Area Licensing Sub Committee resolved to GRANT the application for a Variation of a Premises Licence to further include the activities and timings detailed below:

Licensable Activity	Timings	Days
<p><u>Provision of regulated entertainment</u></p> <p>Live music (indoors)</p>	<p>17:00 – 23:30</p> <p><u>Non-standard timings</u></p> <p>13:00 – 23:30</p> <p>New Year’s Eve from the end of permitted hours until permitted hours the following day</p>	<p>Friday, Saturday and Bank Holidays</p> <p>Bank Holidays</p>
<p>Recorded Music (indoors)</p>	<p>08:30 - 23:30</p> <p><u>Non-standard timings</u></p> <p>New Year’s Eve from the end of the permitted hours until permitted hours the following day</p>	<p>Friday, Saturday and Bank Holidays</p>

Performance of Dance	<p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve 17:00 – 00:00</p>	
Provision of late-night refreshment (indoors and outdoors)	<p style="text-align: center;">23.00 – 00.00</p> <p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve from the end of the permitted hours until permitted hours the following day</p>	Daily
Sale by retail of alcohol (on and off sales)	<p style="text-align: center;">10.00 – 00.00</p> <p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve from the end of the permitted hours until permitted hours the following day</p>	Daily
Hours open to the public	<p style="text-align: center;">08:30 - 00:30</p> <p style="text-align: center;"><u>Non-standard timings</u></p> <p style="text-align: center;">New Year's Eve from the end of the permitted hours until permitted hours the following day</p>	Daily

Subject to the following additional conditions:

1. No new admission of customers to the premises after 23:00.
2. The Premises Licence Holder to publicise any planned live music events that will end after 23:00 at least 14 days in advance of that event.
3. An updated Noise Management Plan to be submitted to the Licensing Authority within 28 days for approval.

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 those who made relevant representations at the hearing.

The Sub Committee considered the representations made by the Applicant regarding the merits of her application and the concerns raised at the hearing by Mr and Mrs Evans (Mr Evans also represented Mr and Mrs Chudley and Ms Pugsley and Mr Eggleton), Mrs Hanney and Mrs Parkinson, and Corsley Parish Council (Mr Neil Britten – Chair of Parish Council) regarding the application. Those concerns related to the perceived public nuisance arising from noise of the live and recorded music on the premises after 23:00 if the hours were extended to midnight and the impact of the noise on neighbouring properties. Concerns were also raised about the potential noise arising from patrons and their vehicles attending and leaving the premises and noise and litter from those using the takeaway service. The issues raised by Corsley Parish Council concerned the highway junction, parking and traffic issues were not considered by the Sub Committee as these issues did not address the Licensing Objectives. No representations from the Police as a responsible authority had been received.

The Sub Committee noted that the Applicant wished to have flexibility while she built up the business. The premises had previously been closed for seven years before she took the lease in September 2019 and the Applicant had informed the Sub Committee that although she had applied for live music indoors until midnight she would not object to this ended at 23:30 as her main concern was the risk of breaching the licence if the live music was played for a few minutes beyond 23:00.

The Sub Committee further noted that the Applicant wished to engage with the village in future regarding potential events.

The Sub Committee considered it was appropriate to restrict the live and recorded music indoors until 23:30 Friday, Saturday and Bank Holidays.

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

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written 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 is made by the Magistrates Court.

A Responsible Authority or interested party has the right to request the Local Authority to review the licence in accordance with the provisions of section 51 of the Licensing Act 2003. However, a review will not normally be held within the first twelve months of the licence.

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