

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

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.