

AGENDA

Meeting: Licensing Committee
Place: The West Wiltshire Room - County Hall, Trowbridge BA14 8JN
Date: Monday 19 September 2016
Time: 10.30 am

Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email lisa.pullin@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Pip Ridout (Chairman)	Cllr Sue Evans
Cllr Desna Allen (Vice Chairman)	Cllr Jose Green
Cllr Nick Blakemore	Cllr Mike Hewitt
Cllr Allison Bucknell	Cllr Simon Jacobs
Cllr Andrew Davis	Cllr George Jeans
Cllr Dennis Drewett	Cllr Leo Randall

Substitutes:

Cllr Glenis Ansell	Cllr Nick Fogg MBE
Cllr Trevor Carbin	Cllr Howard Greenman
Cllr Ernie Clark	Cllr Jon Hubbard
Cllr Bill Douglas	Cllr Bill Moss
Cllr Peter Evans	Cllr James Sheppard

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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

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The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Apologies and Substitutions**

To receive any apologies and details of any substitutions.

2 **Minutes** (*Pages 7 - 14*)

To confirm and sign the minutes of the meeting held on 21 September 2015 (copy attached).

3 **Chairman's Announcements**

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Corporate Director) **no later than 5pm on Monday 12 September 2016.**

Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Minutes of the Licensing Sub Committees**

To receive and sign the minutes of the following Licensing Sub-Committees:

Eastern Area (*Pages 15 - 36*)

- 20/04/16 Application for a Premises Licence, National Trust Ltd, Avebury
National Trust areas in Avebury
- 22/06/16 Application for a Variation to a Premises Licence
Hillworth Park, Hillworth Road, Devizes

Northern Area (*Pages 37 - 68*)

- 14/09/15 Application for a Premises Licence
The Old Bank House, The Strand, Calne
- 09/12/15 Application for a Premises Licence
Wadswick Green Retirement Village, Corsham
- 16/12/15 Application for a Variation to a Premises Licence
Morrisons, Cepen Park North, Chippenham
- 16/12/15 Application for a Temporary Events Notice
SN15, 17 Station Hill, Chippenham
- 19/01/16 Application for a Variation to a Premises Licence
SN15, 17 Station Hill, Chippenham

Southern Area (*Pages 69 - 92*)

- 14/09/15 Application for a Premises Licence
Ludgershall Sports and Social Club, 37 Tidworth Road,
Ludgershall
- 05/10/15 Application for a Personal Licence
- 02/03/16 Application for a Variation to a Club Certificate
Salisbury Lawn Tennis Club, Old Blandford Road, Harnham,
Salisbury
- 29/06/16 Application for a Premises Licence
Harnham Local, 1 Harnham Road, Salisbury

Western Area (Pages 93 - 126)

- 04/11/05 Application for a Premises Licence
1 Bratton Road, Westbury
- 24/05/16 Application for a Premises Licence
Field Trip Festival, Grange Farm, West Ashton, Trowbridge
- 22/06/16 Application for a Variation of a Premises Licence
The Three Daggers, Edington, Westbury
- 26/07/16 Application for a Variation of a Premises Licence
Foresters Arms, Sandridge Road, Melksham

7 Update on the Licensing Service: September 2016 (Pages 127 - 130)

Linda Holland – Licensing Manager will present an update to the Committee on the work of the Licensing Team.

8 Briefing Note - Introduction of Public Spaces Protection Orders (Pages 131 - 132)

Tom Ward, (Public Health Specialist – Substance Misuse and Community Safety) has prepared a Briefing Note (attached) which gives background information regarding changes to legislation. This change requires all current Designated Public Places Orders (DPPO) to be replaced by a Public Spaces Protection Order by October 2017.

9 Proposed Appendix to the Council's Statement of Principles on the Gambling Act 2005 (Pages 133 - 152)

The report of Linda Holland (Licensing Manager) sets out proposals for a new appendix to be added to Wiltshire Council's Statement of Principles on the Gambling Act 2005 on Local Risk Assessments, following consultation, and seeks the Committee's approval of that Appendix for submission to Council.

10 Dates of Future Committee Meetings

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am:

5 December 2016
13 March 2017
12 June 2017.

11

Urgent Items

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

2.1.

2.2.

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 21 SEPTEMBER 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Pip Ridout (Chairman), Cllr Desna Allen (Vice Chairman), Cllr Allison Bucknell, Cllr Dennis Drewett, Cllr Sue Evans, Cllr Jose Green and Cllr Peter Evans (Substitute)

Also Present:

Linda Holland (Public Protection Team Leader – Licensing), Jemma Price (Public Protection Officer), Lisa Pullin (Democratic Services Officer), Gemma Sadd (Fleet Compliance Team Leader), Andrew Saxton (Fleet Services Manager), Paul Taylor, (Senior Solicitor), and Ceri Williams (Head of Prevention of Harm)

11 Apologies and Substitutions

Apologies were received from Councillors Blakemore, Davis, Hewitt, Jacobs, Jeans and Randall. Councillor Peter Evans was substitute for Councillor Hewitt.

12 Minutes

The minutes of the meeting held on 27 April 2015 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 27 April 2015 be approved and signed as a correct record.

13 Chairman's Announcements

There were no Chairman's announcements.

14 Declarations of Interest

There were no declarations of interest.

15 **Public Participation**

No questions had been submitted from the public prior to the meeting and there were no members of the public present at the meeting.

16 **Minutes of the Licensing Sub Committees**

The draft minutes of the following Sub Committees were presented for consideration:

Southern Area

11/03/15 Application by Trading Standards for a Review of a Premises Licence – The Polish Shop, 62 Winchester Street, Salisbury

Western Area

09/04/15 Application for a Premises Licence in respect of Thoulstone Park, Thoulstone, Chapmanslade, BA13 4AQ.

17/06/15 Application for a Premises License made by Mr Pawel Pastusiak in respect of Naan Kebab, 11 The Halve, Trowbridge.

17/06/15 Application for a Premises Licence in respect of Field Trip Festival, Grange Farm, Bratton Road, West Ashton, Trowbridge.

06/08/15 Application by Punch Taverns PLC for a Variation of a Premises Licence at The Pear Tree, Top Lane, Whitley, Melksham.

Resolved:

That the minutes of the meetings detailed above be approved and signed as correct records.

17 **Statement of Gambling Principles**

Linda Holland (Public Protection Team Leader) presented a report which asked the Committee to note the consultation undertaken and subsequent proposed amendments made to the Council's draft Statement of Gambling Principles.

She highlighted the following:

- Three responses were received from the public consultation; one from a Responsible Authority (Children's Services, Wiltshire Council); one from a consultee (Coral Racing) and one from Power Leisure Bookmakers Limited;

- There has been very little increase in the number of gambling permits or licences issued by Wiltshire Council in the last three years. They are currently 421 gambling premises in Wiltshire, 36 of which are betting shops, 2 are bingo halls and 271 are pubs with gaming machines;
- To date Wiltshire Council has not been required to hold a hearing to consider a gambling premises application and there had only been one complaint in relation to a gambling premise in the last 5 years, and
- Proposals to amend the wording of the Statement in light of the comments were detailed in a table (attached as Appendix 4) for the Committee to consider; and
- Following the responses it was confirmed that each application would be considered on a case by case basis, and local risk assessments for premises are due to come into effect from April 2016. The Council would seek to add an appendix to its new Statement once the finalised guidelines are published but believe the Statement addresses most of the requirements within the new statement of Gambling Principles.

Councillor Peter Hutton, Portfolio Holder wished to express his thanks to the Officers for their work in preparing the statement and carrying out the consultation.

Resolved:

That the Licensing Committee notes the amendments made to the Statement of Gambling Principles (as shown in red on the Statement attached as Appendix 5) and commends the final draft to Council for approval and adoption at its meeting on 29 September 2015.

18 **De-regulation Act 2015 and Changes to Licensing Fees for Hackney Carriage/Private Hire Driver and Operator Licences**

Gemma Sadd (Fleet Compliance Team Leader) presented a report which sought to update the Committee on the changes to fees as a result of the De-Regulation Act 2015 and agree new fees to apply and to come into effect from 1 October 2015.

She highlighted the following:

- In line with the De-Regulation Act 2015 it would now be a requirement that driver renewals fees are set for 3 years and operator licences for 5 years instead of the annual renewals as at present. Less officer time would be spent on renewal appointments in future and this would allow them to undertake a more planned approach to enforcement;

- Since the agenda papers were published, the Fleet Compliance Team had had further discussions with the Finance Team who were recommending an increase be added to the fees for inflation from 1 April 2016;
- This would mean that the fees between 1 October 2015 and 31 March 2016 would be as follows:
 - £213 - Driver renewal (three year licence)
 - £233 – Driver initial licence
 - £430 - Operator renewal (five year licence)
 - £430 – Operator initial licence
- The fees from 1 April 2016 (with increase for inflation would be)
 - £220 - Driver renewal (three year licence)
 - £241 – Driver initial licence
 - £445 - Operator renewal (five year licence)
 - £445 – Operator initial licence.
- The proposed changes would be subject to a consultation period by public notice for 28 days and then consideration to any objections would be given;
- Approval was also being sought to introduce a cancellation and missed appointment charge to drivers who fail to attend a variety of pre-booked appointments such as vehicle inspections, renewals of licences and knowledge checks. This would hopefully discourage missed appointments which is a waste of Officer time.
- The proposed changes had been circulated to the drivers/operators through the trade meetings and in their newsletters.

Councillor Peter Hutton, Portfolio Holder reported that they had started work to improve the connections with the trade last year to enhance the lines of communications and would continue to make any improvements necessary.

Resolved:

- 1. That the Licensing Committee agree the revision of renewal fees for hackney carriage and private hire driver and operator licences changes from as follows:**

From 1 October 2015 to 31 March 2016:

£213 - Driver renewal (three year licence)
£233 – Driver initial licence
£430 - Operator renewal (five year licence)
£430 – Operator initial licence

From 1 April 2016

£220 - Driver renewal (three year licence)

£241 – Driver initial licence

£445 - Operator renewal (five year licence)

£445 – Operator initial licence.

- 2. Officers be authorised to carry out the necessary public consultation in relation to the fee changes and to implement the new fees in the event that no significant comments arise from that consultation.**
- 3. That a cancellation charge be introduced for missed and cancelled appointments with less than 24 hours notice to be set at £25.**

19 Update on Wiltshire Alcohol Strategy 2014 - 2018 and Licensing Response

Ceri Williams introduced himself as the new Head of Prevention of Harm in which he had commenced in the role on 21 September 2015. His job would be to pull together an Action Plan from the objectives and priorities set out in the Wiltshire Alcohol Strategy 2014-18 which had been approved by Cabinet in April 2015.

He confirmed that he would provide an update on the progress to the Licensing Committee at their meeting on 14 March 2016.

Linda Holland (Public Protection Team Leader) presented the Licensing Service response to the Alcohol Strategy and confirmed that Licensing would be:

- Carrying out visits to licensed premises to ensure age verification checks were being carried out;
- Participating and assisting with three community engagement events linked to “The big Drink Debate model. (One of the events would be held in the north of the County in Spring 2016 and Officers would be able to give an update to the Committee at their meeting in March 2016);
- Holding a forum with multiagency participation, to engage with a variety of operators from the licensed industry on a number of relevant topics;
- Improving intelligence pathways to aid information transference and collection to assist with safety guarding of vulnerable individuals/groups.

Linda reported that the biggest growing trend in alcohol consumption was in the over 55's.

Councillor Peter Hutton, Portfolio Holder welcomed Ceri to his new role and reported that he would look forward to the teams working together and sharing information.

It was queried whether the “Sparksite” website mentioned with the support organisations at the back of the Strategy was still live. Ceri would provide an update on this when he reports back in March 2016.

Resolved:

That the update be noted.

20 **Update on Premises Licence Annual Fees/Licensing Act 2003/The Police Reform and Social Responsibilities Act 2011**

Linda Holland (Public Protection Team Leader) wished the Committee to note the progress regarding annual fees relating to licensed premises and the implementation of a new process which enabled the Licensing Team to suspend licences for non payment where necessary due to the information being more readily accessible.

Every Licensed Premise within Wiltshire is required to pay an annual fee and these are due on the anniversary of the licence. Historically the licensing department has requested an invoice for each fee to be sent out by the finance department. If the annual fee remained unpaid 28 days of the date of the invoice (irrespective of the date of the licence) it became the responsibility of the finance department to chase the debt. The licensing department had no authority to suspend licences for non-payment of fees. As a result, many invoices remained unpaid and the licensing department accrued a debt of £80k.

After liaising with the Finance Team they had moved away from SAP to use the in house M3 Software system which has proven to make the process leaner with better outcomes and ensuring that the team are more customer focused.

The debt had now considerably reduced (with some 5 year old debt being written off) and now that the threat of suspension can be highlighted to licence holders, they are paying much more promptly.

Licensing would offer this approach to other teams who have a fee collection system as a better way of running the service.

Councillor Desna Allen wished for it to be noted that she congratulated the team and commends them for taking this role back in house which had saved money for the Council.

Resolved:

That the Committee note the update.

21 **Dates of Future Committee Meetings**

Members noted the dates of future meetings of Licensing Committee as detailed below, all to start at 10.30am:

7 December 2015
14 March 2016
13 June 2016
19 September 2016
5 December 2016
13 March 2017.

22 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 – 11.25)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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

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EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 20 APRIL 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLCIATION FOR A PREMISES LICENCE MADE BY NATIONAL TRUST (ENTERPRISES) LTD

Present:

Cllr Desna Allen, Cllr Dennis Drewett and Cllr Glenis Ansell

Also Present:

Wiltshire Council

Hannah Hould – Licensing Officer
Lisa Pullin – Democratic Services Officer
Paul Taylor – Senior Solicitor

Applicant

Jon Payne, Lacey's Solicitors
Eva Stuetzenberger, Designated Premises Supervisor

Responsible Authorities

Richard Francis, Senior Environmental Health Officer, Wiltshire Council
Sgt Beverley Pitchford, Licensing Manager, Wiltshire Police
Martin O'Neill, Licensing Officer, Wiltshire Police

Those who made a Relevant Representation

Andrew Williamson – Chairman, Avebury Parish Council
Kate Fielden on behalf of the Avebury Society
Sara Spratt on behalf of John Wilding and Esther Smith
Ewart Holmes on behalf of Diana Holmes
Cllr Jemima Milton on behalf of Adam Wethered
Michael Polack

1 **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies.

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" (Pages 5 – 14 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

Before the commencement of the meeting, Cllr Dennis Drewett declared a non-pecuniary interest in the application by virtue of being a member of the National Trust and that his wife was a volunteer for the National Trust at another of their properties. Cllr Glenis Ansell also declared a non-pecuniary interest in the application by virtue of being a member of the National Trust.

In response to a query from Cllr Jemima Milton, the Solicitor for Wiltshire Council confirmed that membership of the National Trust would not of itself affect the ability of a Councillor to consider an application for a premises licence for a specific site.

6 **Licensing Application**

Application by National Trust (Enterprises) Ltd in respect of The National Trust Estate, High Street, Avebury, Wiltshire.

The Licensing Officer, Hannah Hould introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

During the consultation period, twenty one relevant representations were received from 17 local residents, one from the Parish Council, one from Avebury Society and two from Responsible Authorities – namely Wiltshire Police and Wiltshire Council Environmental Health.

Following the publication of the Agenda the Licensing Officer was notified that the Applicant had supplied Wiltshire Police with a set of conditions which they felt addressed each of the four Licensing Objectives (page 129 of Agenda and page 3 of Agenda Supplement) and subject to the Sub Committee granting any licence with these conditions attached they have no objection to the application. Similarly the Environmental Health Team had agreed a set of conditions with the Applicants and wished to withdraw their representation in anticipation of the inclusion of these conditions on any licence granted.

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

Key points raised by Jon Payne from Lacey's Solicitors and Eva Stuetzenberger (Visitor Engagement and Enterprise Manager and Designated Premises Supervisor) on behalf of the Applicant were:

- The application was consistent with other National Trust estates in the country and this was a modest application for these premises. It was an a model adopted by other similar National Trust properties;
- The Applicants wished to enhance the visitor experience for Avebury whilst having consideration of their conservation objectives;
- The Applicants wished to have more flexibility to hold small scale events that were suitable for certain parts of the estate. They proposed to hold three types of events – Events with pre-booked tickets, sign up and join in on the day events and open public events;
- It was the policy of the National Trust to move away from large scale events and hold regular small scale activities. They were not intending to hold an event like “Avebury Rocks”;
- They wished to provide non-alcoholic late night refreshment to patrons during the Summer Solstice (which they had been doing previously under a Temporary Events Notice). They had decided to include this within this application to avoid the need to continually apply for a Temporary Events Notice;
- The National Trust’s overarching aim was the conservation of the site and village of Avebury and not for financial gain; and

- The National Trust had applied for around 140 Premises Licences, some of which were very similar to this application and the Trust had never had any significant problems – their record was exemplary and was a responsible body with a good track record of efficiently running premises.

The Sub Committee Members asked questions/raised issues with the Applicant and the following issues were addressed:

Q I am confused by your application and not sure why it is much wider than what you say you are seeking today?

A The Applicants wish to enhance the facilities they can offer. The National Trust has adopted this model to apply to their properties and there is no plan to run big events.

Q You are still applying for much more than what you say and earlier you referred to “burdensome conditions”.

A The Applicants would willingly accept conditions – they have negotiated with the Responsible Authorities and agreed a set of conditions that have been accepted.

Q How would you manage the open access areas during an event?

A If we were to hold an event it would be in a specific area that we anticipate would attract 100’s not 1000’s. Event staff would have plans in place to manage the event areas. Events would not be held in the public parkland areas.

Those who had made relevant representations were given the opportunity to ask questions of the applicant and the following issues were addressed:

Q Why did you not consider conditions proposed by residents of Avebury?

A The Applicants wrote to local residents to ask if they would like to offer any conditions but did not have any response back.

Q We request that the application be deferred to enable time for consultation with the village as this has not happened.

A We are all present at the hearing and see no point in deferring the application.

The Chairman confirmed that the 28 day consultation period had been carried out to the satisfaction of Wiltshire Council.

Q Why did you not listen to us and our views?

A The Applicants wrote asking for your views and did not hear back from the residents. We wish to proceed with the application today and we did engage with the Parish Council.

Q Why do you need a blanket licence for such a large area for an event for 1000 people? This is an important World Heritage Site and you the Applicants have not demonstrated knowledge of the area.

A It is not possible to define what will occur in which areas of the estate and the numbers involved. The Trust wishes to have a flexible licence but would be responsible to ensure that it doesn't impact on others. Licensing is not the only method of control and appropriate control measures would be put in place for events. Other Responsible Authorities have not made representations.

Q A letter dated 6 April 2016 on behalf of the Applicants was only received by the Parish Council on Monday 18 April and we only got to have a conversation with the Applicant's Solicitor on Tuesday 19 April.

A The Parish Council were included in the 28 day consultation period – it was regrettable that they did not receive the information in the letter of 6 April but we were able to speak about it yesterday (19 April).

The Parish Council held a special meeting on 30th March and invited the National Trust to attend but no one did. We did wish to consult with the Applicants about the application.

The Chairman reiterated that Wiltshire Council as Licensing Authority had accepted that a valid consultation period was carried out.

Q How can you feel good about serving alcohol at family events?

A The sale of alcohol would only take place at suitable events, not on children focussed events.

Further questions from Sub Committee Members:

Q I am still not clear on the Applicant's intentions and not content that you cannot give numbers for events, in some places it refers to 5000 and others 1000.

A The standard application that was submitted refers to events with up to 4999 people. After submission this was discussed with Environmental Health who suggested up to 1000 people at an event. We would have to consider our volunteer numbers and would have relevant limits in place for certain areas and would but control measures in places for this.

Q I assume you would carry out the relevant Risk Assessments prior to each event?

A Yes, absolutely. The Applicants are restricted by car parking – we couldn't bring in 1000 patrons and get them all parked.

Those who made relevant representations were then invited to address the Sub Committee. Andrew Williamson, Chairman of Avebury Parish Council made the following points:

- The Parish Council represents the 480 people in the village of Avebury and we are aware of the interests of our visitors;
- We are particularly concerned about noise, traffic congestion, inconsiderate parking, spiritual conflicts, poor crowd behaviour and damage to the monuments. We would wish for the application to be deferred or for the application to be rejected;
- The Parish Council wishes that their concerns as set out in their representation be met and that the Applicants properly consult with the Parish Council and the residents of Avebury;
- We wish to see the Trust complying with Wiltshire Council policies and World Heritage Site Management Plan;
- We support the application to provide late night refreshment in the Coach House during summer solstice;
- If a licence is to be granted we would wish for the current Premises Licence to be surrendered, the open areas be excluded from licensable activity, the "Henge" to be excluded from the application;
- Concerned that the licensing of 12 premises for the sale of alcohol is excessive;
- Neighbours and the Parish Council were not consulted – we were told that the Applicants were tidying up their licence for administrative purposes. We called a special meeting to discuss this on 30th March but no one attended on behalf of the National Trust;
- Specific one off licences for particular events will retain control during a period of growth by the National Trust, but a blanket licence for all areas will not. Why shouldn't the Trust apply for specific licences for events like Avebury Rocks – a community based event;
- The Council's statement of Licensing Policy expects Applicants to have regard to the type of premises and the licensable activities to be provided

and for the premises to have the relevant planning permissions in place – 11 of the proposed premises do not have this; and

- We understand that English Heritage will be banning all alcohol consumption at Stonehenge and it is totally inappropriate for the “Henge” area to be included for any licensable activities

Kate Fielden on behalf of the Avebury Society made the following points:

- According to relevant policies, visitor attractions should promote enjoyment, understanding or interpretation of the historic sites and monuments at Avebury. The National Trust appear to have set aside their adherence to this;
- What I have heard today does not ease our worries – the Trust has not consulted with the village; and
- The need for a blanket licence has not been demonstrated and the Applicant has not shown how the Licensing Objectives will be met – please refuse the application.

Sara Spratt on behalf of John Wilding and Esther Smith made the following points:

- The Licensing Objectives have not been adequately addressed – the operating schedule is standard and it doesn’t show how it has been properly considered for the specific needs of Avebury;
- We are concerned about the impact of large scale events. The concerns about the open access points have not been addressed;
- The Applicants have failed to comply with the Council’s Policy and should submit a proper and detailed application;
- The proposed conditions have not been agreed with the residents of Avebury – we say they are vague and not enforceable;
- We hear that the Trust don’t intend to carry out large scale events, but the granting of this licence means that they could if they wished to. 1000 patrons is against what the Applicants have said today and there is a risk of public nuisance for the dispersal of 1000 patrons;
- There are no details of what controls would be put in place and the application is not appropriate and personalised for Avebury – please withdraw and re-consult.

Ewart Holmes on behalf of Diana Holmes made the following points:

- I have lived on the High Street for 25 years and we were delighted when the National Trust bought the estate, things got better and the Avebury Management Plan was drawn up;
- In the last adopted World Heritage Site Management Plan, the emphasis was on consultation and it was the National Trust who endorsed it;
- When we went to the Parish Council meeting we were told that they were seeking a licence for events of up to 5000 people so we all wrote to object about that as we were potentially looking at 2 and a half times the amount of people we get at Summer Solstice. Then 1000 limit was a big step down;
- We have had four generations of National Trust membership and we are angry that our membership subscription is being used in this way;
- The consultation and negotiation process was very exclusive and it left us (the residents) out. 28 days may have been the legal consultation period but it was not conducted in the spirit of proper consultation; and
- Perhaps the Committee members should visit Avebury to fully understand the context of the Application. As it stands the application should be refused.

Cllr Jemima Milton on behalf of Adam Wethered made the following points:

- Avebury is not all owned by the National Trust – whilst there are many National Trust residential properties there are also private properties;
- The blanket cover licence might make it better for visitors to Avebury but not for the residents. We are sad that the Applicants did not come back to us or come to our Parish Council meetings; and
- We hear what the Applicants say what they intend to do today, but that might change tomorrow – we have concern that they can run large scale events. Why they need it – they should have thought about their application more before they submitted it.

Michael Polack made the following points:

- We support the National Trust, but to quote Bill Bryson, “why does it have to be so very annoying?”;
- Early consultation with neighbours might have prevented the need for a hearing – if we had known what was proposed and we were able to share our views;

- I am involved with the “Avebury Rocks” event and we apply for separate licences so that all details of the event are fully covered each time; and
- The Applicant’s say they have no plans for large expansions but we know that this can change. We request that large scale events are applied for separately and that proper consultation between the village and National Trust takes places.

The following question was asked of those who had made relevant representations:

Q Have any problems been caused to neighbours in the area by the National Trust?

A Someone was sick outside my garden gate, but no I couldn’t definitely say it was from someone who had been visiting any of the National Trust facilities.

A It is an irrelevant question as we haven’t yet had any big events at Avebury.

A So far there have been no identified problems but we are uncertain what may happen in the future.

The Solicitor to the Council wished to clarify with the Applicant their intentions for the “Henge” area. The Applicant confirmed that they were not intending to conduct any licensable activities in the Henge area and would be happy to accept a condition to that effect. The Applicant also confirmed that for Summer Solstice the sale of alcohol would be restricted and they would not sell alcohol in the Coach House at Summer Solstice.

The parties were then invited to make any points in summation.

Andrew Williamson, Chairman of Avebury Parish Council made the following points in summation:

- Communication is important. We would all like to agree a good project in a measured way and improve lines of communication. We don’t want to see a blanket licence with conditions; and
- We understand that the National Trust needs to grow. Please with the application or reject it.

Sara Spratt on behalf of John Wilding and Esther Smith made the following points in summation:

- The application fails to comply with Wiltshire Council's Policy requirements – you should reject it; and
- Conditions should be discussed and shared and agreed with all.

Jon Payne from Laceys Solicitors and Eva Stuetzenberger (Visitor Engagement and Enterprise Manager and Designated Premises Supervisor) on behalf of the Applicant made the following points in summation:

- The premises would be run by good organisation to preserve and enhance the visitor experience;
- The premises have an existing Premises Licence and none of the parties have mentioned any particular problems;
- Consultations have been carried out with the experts – Wiltshire Police and Environmental Health – conditions suggested by them were accepted by the Applicant and they would be willing to suggest a limit of 500 patrons from 1000;
- If any resident has a problem during an event we are prepared to have a manned telephone number to call to report problems;
- We have been asked why do we need this application, but need is not pertinent to making the determination of the application. There is no evidence to suggest that the Applicants would not uphold the licensing objectives;
- The Noise Act is not the only control measure that exists if there were any problems and other controls could take precedence and there is already an existing licence for the premises;
- It would be unreasonable to refuse the application as a Premises Licence already exists and it would be up to the Applicants to keep or surrender their existing licence;
- There is no evidence that the Dovecote should not sell alcohol;
- The Applicants did have two meetings with the Chair and Vice Chair of the Parish Council prior to the application being submitted;
- If we had received suggested conditions from the local residents we would have considered them and we feel that the licence should be granted with the additional conditions previously mentioned; and

- If there are problems in the future there is a review process, but the National Trust have never been had any of their licences reviewed.

The Sub Committee members retired at 12.20pm to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 2.00pm.

Following the deliberations of the Sub Committee Members, it was

Resolved:

The Sub Committee considered all of the submissions made to it, both written and oral together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council.

The Eastern Area Licensing Sub Committee has resolved to grant the application made by National Trust (Enterprises) Ltd for a Premises Licence in respect of the National Trust Estate, Avebury as follows:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Plays (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Films (Indoors)	10:00-23:00	Monday-Sunday
Live music (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Recorded music (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Performance of dance (Indoors & Outdoors)	10:00-23:00	Monday-Sunday
Provision of late night refreshment (Indoors)	23:00-05:00	One night per annum for Summer solstice

Sale by retail of alcohol (ON & OFF the premises)	10:00-23:00	Monday-Sunday
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Subject to the following conditions:

Prevention of crime and disorder

- 1. An incident/refusals book will be kept at each of the buildings on the Premises used for licensable activities, and staff made aware of its existence. Details recorded will include time/date, the location, name of the member of staff dealing with the incident. A brief description of the incident and description of person/s being refused and action taken.**

Public safety

- 2. A risk assessment for licensable events shall be completed and measures taken to reduce any significant risks to a level that is reasonably practicable. A copy of any risk assessments made shall be made available to Police officers and authorised officers of the Licensing authority on request.**
- 3. The number of SIA/staff required will be determined on a case by case basis in accordance with the licence holders risk assessment, depending on the size (a maximum of 1000 people), and the nature of the event.**
- 4. When holding licensable events a sufficient number of staff shall be engaged to assist in safe access to and egress from the property.**

The prevention of public nuisance

- 5. No licensable activities will take place in the area shown unshaded and marked 'Henge and Stone Circle' on the application plan.**
- 6. Only 2 outdoor amplified live or recorded music events will take place in a calendar year at which more than 500 persons may be present, with at least a 60 day interval between each event. In relation to such events, the following conditions will also apply:-**
- 7. A maximum of 1000 persons (to include performance and event management staff) will be permitted attend any such event.**
- 8. An event management plan is to be submitted at least 3 calendar months before either of the two events referred to, to be approved by the Licensing Authority.**

9. The distance between the stage/Front of House (FOH) mixing desk and any residential property will be maximized.
10. A site plan clearly indicating the proposed stage/FOH position will be submitted to the Licensing Authority, along with the proposed scheduling of the event, at least 3 calendar months before any event.
11. The total 'on-time' for live or recorded music at any such event will not exceed 4 hours and will cease by 23:00 hours.
12. Noise monitoring will be carried out during the event, based on any predicted noise levels provided by the Environmental Health Authority to the Licence Holder.
13. The organisers of any event will be available during the event to deal with any complaints and act accordingly. The Licence Holder will publish on its website and provide the licensing authority and other responsible authorities, the Parish Council and the occupiers of all residential properties within Avebury village with a telephone number to report any complaints arising from the event.
14. The Licence holder shall assess the likelihood of any impact on neighbours from time to time and implement such measures they consider necessary or are agreed in writing with the Council's Environmental Health Team. These may include dispersal procedures, a contact telephone number in case of any problems arising, sound monitoring and the display of notices indicating the opening times.
15. When holding any licensable event finishing after 22:00 hours (not limited to those events for more than 500 persons) the premises licence holder shall display prominent notices requesting guests to leave quietly.

For the purposes of this licence, an 'amplified live or recorded music event' means an amplified outdoor music event on a stage.

The protection of children from harm.

16. A challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is required for anyone who appears to be under the age of 25 and who wishes to purchase or consume alcohol.
17. Where children are present at an event adult supervision shall be requested to be provided by the accompanying adult or by staff in

the case of hosted events where an accompanying adult is not present, at all times.

Reasons

The Sub Committee acknowledged the concerns that had been raised by Avebury Parish Council and local residents in relation to this application. They noted that the objectors wished the application to be withdrawn or refused, so that further consultations could take place between the Applicant and the local community. However, the Sub Committee accepted that the Applicant had met the statutory requirements for notification of the application and had made some efforts to have prior consultation with those affected by it. The concerns of the Parish Council and local residents had been set out in detail in the letters of representation and expressed orally at the hearing by those present and the Sub Committee therefore did not see any reason why the application should not be determined at this hearing.

The Sub Committee heard evidence from the objectors that the application was framed in very general terms and sought to licence a wide area, covering both buildings and open land, for a variety of licensable activities. This made it difficult to know what the actual intentions of the Applicant were and therefore what the impact of those activities would be on the licensing objectives. The Sub Committee appreciated the concerns of the objectors on this point. However, having heard further details of the sort of activities proposed by the Applicant, they accepted the need of the Applicant to have flexibility to allow it to carry out such activities in the future and considered that the concerns raised would be adequately addressed by the proposed additional conditions.

The Sub Committee also noted that a significant part of the application site was open access land and accepted that it would not be practical to hold large ticketed events on such land, as there would be no way of controlling the numbers of people having access to the event. Therefore, it was likely that such events would be restricted to those parts of the site where access could be controlled.

A number of specific concerns had been raised in the representations regarding the potential impact of any large-scale music events. The Sub Committee noted that a number of additional conditions had been agreed between the Applicant and both the police and the Council's Environmental Health Team. These were intended to address in particular any public nuisance issues that might arise from live music events on the site. Both of those Responsible Authorities had indicated that they would not wish to pursue their objections if those conditions were included on any licence granted. The Sub Committee took particular note of this, in line with the advice in the Statutory Guidance.

The Sub Committee noted in particular the proposal to limit such events (beyond those allowed under the deregulation provisions) to two per year with a limit of 1000 persons, to end by 23:00 hours. The Sub Committee felt that these conditions were appropriate to address the public nuisance concerns from such events. However, they felt it appropriate to apply these restrictions to any larger-scale recorded music events, as well as live music events, as similar issues could arise with either type of event.

In view of the particular circumstances of the site, including its relationship to neighbouring residential properties the Sub Committee felt that it would be appropriate to require an event management plan to be agreed in advance with the Licensing Authority in respect of the two larger-scale music events authorised by the licence. This would address many of the issues about public safety, public nuisance and prevention of crime and disorder that had been raised in the representations made on the application in relation to such events, some of which were also covered by the other agreed additional conditions.

In relation to the sale of alcohol, the Sub Committee noted that the application, if granted, would lead to alcohol being able to be sold from a wider range of venues than is permitted by the current premises licence. However, given the nature of the proposed activities, as set out by the Applicant at the hearing, the Sub Committee did not consider that this would lead to the sorts of problems envisaged in some of the representations.

For the sake of clarity, the Sub Committee considered it appropriate to include a specific condition excluding all licensable activities from that part of the Henge and Stone Circle included within the application site, given its special status and the potential implications of any public nuisance or crime and disorder occurring in that area arising from licensable activities.

In reaching their decision, the Sub Committee also took into account the relevant provisions of the Government's Statutory Guidance on licensing and the Council's Statement of Licensing Policy.

Right of Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of this decision. Any person or Responsible Authority has the right to request the Licensing Authority to review the licence. Such an application may be made at any time, but where a request is made by a person other than a Responsible Authority, a review will not normally be held within the first twelve months of a licence, or within 12 months of any previous review save for the most compelling reasons.

(Duration of meeting: 10.30am – 12.20pm
Adjournment for deliberation – 12.20pm – 2.00pm
Re-commencement of hearing – 2.00pm – 2.05pm)

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EASTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 22 JUNE 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF Application for a Variation of a Premises Licence - Hillworth Park, Hillworth Road, Devizes

Present:

Cllr Desna Allen, Cllr Nick Blakemore and Cllr James Sheppard

Also Present:

Wiltshire Council

Jemma Price (Licensing Officer)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant

Simon Fisher, Devizes Town Council

1 Election of Chairman

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

Resolved:

To elect Councillor Nick Blakemore as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies.

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" (Pages 5 - 11 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Devizes Town Council for a Variation of a Premises Licence at Hillworth Park, Hillworth Road, Devizes

Jemma Price, the Licensing Officer for Wiltshire Council, introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. During the consultation process, one relevant representation had been received in objection to the application which was to the sale of alcohol on and off the premises from 10:00 to 22:00 Monday to Sunday. She reminded the Panel that consumption of alcohol is permitted throughout the park and is not a licensable activity.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. Nigel Britton who had made a relevant representation was not present at the meeting.

Key points raised by Simon Fisher, Deputy Town Clerk of Devizes Town Council on behalf of the Applicant were:

- In 2010 the Town Council applied to the National Lottery for funding to carry out a refurbishment of Hillworth Park. This application was successful and in 2012 a £2 million refurbishment was carried out;
- Hillworth Park is a well-used and well managed facility that has an extensive events programme running throughout the year;
- If the variation was granted this would enable the café to provide a beer or a glass of wine to its users to enhance their enjoyment of the facilities. All bottles would be opened when purchased and it was not the intention for the café to be used as an off licence;
- Following the comments made by Wiltshire Police during the consultation, the Applicant agreed to the changes suggested to address their concerns of crime and disorder and protection of children from harm; and
- At present people are already able to enjoy alcohol as they can bring it themselves with their picnic, but the Applicant would like to be able to

provide a small range of alcohol to its users, and especially at planned events.

The Sub Committee asked the following question of the Applicant:

Q How will you manage the sale of alcohol and the behaviour of those consuming it?

A *A Challenge 25 policy will be implemented and the staff in the café will receive the relevant training from Wadworths. We have Park Keeper staff on duty and they are on hand to deal with any issues quickly as needed. We have asked people to leave the park before when there had been potential incidents.*

In the absence of Nigel Britton (who had made a relevant representation) the Sub Committee considered his representation on page 51 of the Agenda. Simon Fisher on behalf of the Applicant confirmed that he had met with Mr Britton and seems to have misunderstood the Town Council's intention. They were not anticipating that alcohol would be sold all day every day, but if they had to apply for a Temporary Event Notice for each event this would be costly and time consuming and it is difficult to determine what a "pre-booked" event is.

Some events are planned in advance but frequently groups request that they can start/and or end their event at the park or hold their event fully at the park. Bookings of this nature could be on very short notice, (days or hours) which would not allow time for a TEN to be applied for.

It was the Applicant's intention to provide limited alcohol refreshment to enhance the experience of those who wish to partake in it whilst at the park.

A Sub Committee member suggested that it was Mr Britton's assumption that the sale and consumption of alcohol could generate a problem.

Simon Fisher confirmed that consumption is already taking place at the park and no problems have ever been reported in this regard.

Simon Fisher made the following points in summation on behalf the Applicant:

- Hillworth Park was a popular location and the intention of the Applicant was to add value to the visitor experience. If the variation was granted and the sale of alcohol proved to have a negative impact then they would not continue with it.

The Sub Committee members considered the application and announced the decision to the Applicant.

Resolved:

The Eastern Area Licensing Sub Committee has considered the application from Devizes Town Council and has resolved to grant the variation of the Premises Licence for Hillworth Park, Hillworth Road, Devizes, as applied for, with the additional conditions previously agreed between the applicant and Wiltshire Police, as set out in Appendix 3 to the agenda report:

The variation to the provision of Licensable Activity:

Licensable Activity	Timings	Days
Sale of Alcohol (ON and OFF the premises)	10:00 – 22:00	Monday - Sunday

Reasons:

The Sub Committee considered the written evidence presented in the agenda from the Applicant and the relevant representation that had been made, together with the oral evidence given at the hearing on behalf of the Applicant.

The Sub Committee noted the concerns in the representation, but considered that the management arrangements for the Park, together with the addition of the conditions previously agreed with the police, were appropriate to meet the licensing objectives and that there was no need to add any further conditions.

In reaching its decision the Sub Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right of Appeal:

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or other person has the right to request a Review of the Licence.

(Duration of meeting: Hearing – 1.00pm – 1.12pm
Determination of Application – 1.12pm – 1.15pm
Announcement of Decision – 1.15pm – 1.17pm)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or
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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 - 23:00hrs 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)

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NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 9 DECEMBER 2015 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE - WADSWICK GREEN LTD, CORSHAM, SN13 9RD

Present:

Cllr Allison Bucknell, Cllr Jon Hubbard and Cllr Peter Evans

Also Present:

Wiltshire Council

Lisa Pullin (Democratic Services Officer)
Jemma Price – (Public Protection Officer – Licensing)
Paul Taylor (Senior Solicitor)

Applicants

Jose Afonso – Personal Licence Holder
Steven Gooden, Standley & Co Solicitors
Peter Ford, Chairman of Rangeford

Those who made Relevant Representations

Peter Pearson – On behalf of Corsham Town Council
Cllr Charles Fuller – Town Cllr for Neston

6 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.

7 **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" (Pages 5 – 11 of the Agenda refers).

8 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

9 **Declarations of Interest**

There were no interests declared.

10 **Licensing Application**

Application by Wadswick Green Limited for a Premises Licence at Wadswick Green Retirement Village, Corsham, Wiltshire

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

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

Key points raised by Mr S Gooden of Standley & Co Solicitors on behalf of the Applicant were:

- That Wadswick Green was a collection of a retirement homes with a difference. The average ages of occupants were 55 to 75 and the aim of the development was to provide high quality amenities to its residents and visitors;
- The Greenhouse restaurant would primarily cater for the residents of Wadswick Green and their families, but it would also be open to the public with priority being given to residents;
- In recognition of the concerns raised by those who had made relevant representations the Applicant wished to amend the application so that the premises was only open to 00:00 hours and not 01:00 as applied for;
- It was hoped to use the terrace areas for concerts or plays and the timings were requested to allow for any performances that might over run from the normal licensing times;

- The Applicant was extremely conscious of local residents and wanted to work with them so as not to cause to disturbance and for them to use the facilities; and
- There was no intention to have a dancefloor or run the premises as a nightclub facility; its function was to serve the residents of Wadswick Green.

Key points raised by Peter Ford, Chairman of Rangeford Holdings (Developers) on behalf of the Applicant were:

- It was planned that 247 apartments would be built once the development was completed. Apartments first went on sale in May 2015 and at present there were around 35 residents; and
- The Greenhouse restaurant would be unlikely to attract younger members of the public to the premises if they did not have any family living at Wadswick Green.

Key points raised by Mr Jose Afonso, Personal Licence Holder on behalf of the Applicant were:

- He was the General Manager of the premises and he had been a personal licence holder for 9 years and had been involved in a number of high end events and so was well experienced; and
- He accepted that there were noise concerns from local residents but assured that they should not be affected by any of the events planned for the premises and there were no loud music concerts planned.

The parties were given the opportunity to ask questions of the Applicant as follows:

How many residents were there at Wadswick?

There were currently 112 homes ready and 24 of these were occupied – this was the 1st phase of development. The target was to provide 247 homes.

You said for example that you would not take a booking from a stag party at The Greenhouse – will you hold external functions and how will the bookings be managed?

Any function bookings taken would have to have a connection with a resident and our dining (function) room only seats up to 12 in any event. If a large booking was requested we would consult with residents.

Key points raised by Peter Pearson (on behalf of Corsham Town Council) who made a Relevant Representation were:

- That the Town Council had had the opportunity to go and view the premises since making their representation and they were now comfortable with the way in which the premises were being run. Having heard the submissions from the Applicants he confirmed he felt reasonably conformable with the application.

Key points raised by Councillor Charles Fuller (Town Councillor for Neston) who made a Relevant Representation were:

- He was the nearest resident to the development being around 175 yards away;
- If the Applicants wished to extend their timings for licensable activities they could apply for a Temporary Events Notice as necessary;
- Have the residents of Wadswick Green made the request that the alcohol be available until 1am?
- For the residents of the local area need to be protected and their peace and quiet should be paramount – is there going to be blaring music and lights until 1am every day? Established hours for a public house is OK.

The parties were given the opportunity to ask questions of those who had made Relevant Representations as follows:

What do you mean by established pub hours are OK?

It is not necessary for this establishment to have the same opening hours as a pub with drinking until 1am and outside music.

You say that residents in the area should be protected – is this based on your residents views that have been reported to you?

I have been informed that they have expressed concerns about this.

Those who made Relevant Representations made the following points in summation:

- I had concerns with the original application with drinking and music every night until 1am and now this has been amended I am less concerned – although would want there to be disturbance to neighbouring residents or residents of the development.

Mr Gooden on behalf of Applicant made the following points in summation:

- The application was to be amended as follows:

Sale by retail of alcohol 11.00 to 00.00 Thursday/Friday/Saturdays
11.00 to 23:00 Sunday to Wednesday

All regulated entertainment to end at 23.30 each day.

- The Applicants have listened to the views and concerns raised and made the above amendments in light of this; and
- They were seeking to run a high class facility and the closing times would be strictly reinforced.

The Sub Committee members retired at 11.10am to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officers.

The Hearing reconvened at 11.35am.

When making their deliberations, the Sub Committee had noted that although the application had been amended the Applicant had not asked for any different timings for bank holidays and New Year's Eve.

The Applicant requested that the licence be granted to allow them to carry out licensable activities until 01:00 on New Year's Eve. The Chairman asked if the other parties present were in agreement with this. Agreement for this was confirmed.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that there was no specific material legal advice given 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 has resolved to grant the application made by Wadswick Green Limited for a Premises Licence at Wadswick Green Retirement Village, Corsham.

During the hearing the Sub Committee were informed that, following discussions with some of those who has made relevant representations, the applicant wished to amend the application so as to reduce the hours of licensable activity.

Having considered all of the representations, both written and oral, the Sub Committee has resolved to grant a premises licence for Wadswick Green Retirement Village, Corsham, as follows:

<p>Sale by retain of Alcohol (ON and OFF sales)</p>	<p>11.00 – 23.30 Sunday to Wednesday 11.00 – 00.00 Thursday/Friday/Saturday</p>
<p>Provision of Regulated Entertainment (indoors and outdoors):-</p> <p>Exhibition of Films Live Music Recorded Music Performance of Dance</p>	<p>11.00 – 23.30 Monday to Sunday</p>

Reasons

The Sub Committee noted the concerns of the Town Council and local residents regarding the proposed hours of operation of the Premises. However, the Sub Committee accepted that the Premises would primarily be used by Residents of the Village and their relatives or guests and that there would be limited use by other members of the general public. Such use would be controlled by the management of the Premises. Given the nature of the Premises, their location and proposed use, together with the reduction in hours now proposed, the Sub Committee were satisfied that the application, as amended, was acceptable and did not consider that there was a need to add any further conditions to meet the licensing objectives.

Right of Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of this decision. Any person or Responsible Authority has the right to request the Licensing Authority to review the licence. Such an application may be made at any time, but where a request is made by a person other than a Responsible Authority, a review will not normally be held within the first twelve months of a licence, or within 12 months of any previous review save for the most compelling reasons.

(Duration of meeting: Hearing - 10.15am – 11.10am
Adjournment – 11.10 – 11.35am
Return to Hearing – 11.35 – 11.45)

The Officer who has produced these minutes is Lisa Pullin,
lisa.pullin@wiltshire.gov.uk or 01225 713015, of Democratic Services.

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NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 DECEMBER 2015 AT TIPPETT ROOM, SPRINGFIELD CAMPUS, BEECHFIELD ROAD, CORSHAM, WILTS, SN13 9DN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - MORRISONS, WEST CEPEN WAY, CHIPPENHAM,

Present:

Cllr Desna Allen, Cllr Simon Jacobs and Cllr George Jeans

Also Present:

Cllr Trevor Carbin

Wiltshire Council

Asifa Ashraf (Solicitor)
Lisa Pullin (Democratic Services Officer)
Roger Bishton (Senior Democratic Services Officer)
Roy Bahadoor (Public Protection Officer)

Applicants

Kelly Nichols (Licensing Manager, Morrisons)
Clare Johnson (Messrs Gosschalks, Solicitors)

Members of the Public who made a Relevant Representation

Cllr Nina Phillips (Wiltshire Councillor for Cepen Park North & Redlands Division)
Mr Malcolm Toogood

1 Election of Chairman

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

Resolved:

To elect Cllr Desna Allen as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies for absence.

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 gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

Cllr Desna Allen declared that she was Leader of Chippenham Town Council and, although that Council had considered the application, she had not attended the relevant town council meeting.

6 **Licensing Application**

Application by Morrisons for a variation of a Premises Licence at West Cepen Way, Chippenham, SN14 6UZ.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

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

Key points raised by Ms Clare Johnson of Messrs Gosschalks, Solicitors, on behalf of the Applicant were:

- An application was being made on behalf of Morrisons for a variation of the Premises Licence by an increase of one hour's trading from 23:00 – 00:00 (midnight), Mondays to Sundays.
- 500 branches of the store throughout the country were trading from 6:30am through to midnight, many in densely populated areas, without being subject to review.
- Staff employed by Morrisons received intensive training in dealing with under age customers and proxy sales and an independent company was

employed to carry out spot checks throughout the country together with the use of CCTV equipment.

- The Morrisons store at West Cepen Way, Chippenham had not been subjected to any problems and no representations had been received from the Police or the Environmental Health Officer.
- There had been no representations regarding public safety or harm to children.

Key points raised by the Responsible Authority were: None

Key points raised by those who made a Relevant Representation were:

- Cllr Nina Phillips, Wiltshire Councillor for Cepen Park North & Redlands Division expressed concern that the many children living in the Cepen North area of Chippenham would be disturbed on school days by noise. She also thought that the noise generated by cars would cause a nuisance and that anti social behaviour was quite likely. She considered that more LCD lighting in the bin area and crevices should be required as a condition.
- Cllr Mary Pile, Chippenham Town Councillor for Cepen Park North & Redlands Ward submitted in writing similar representations to those presented by Cllr Nina Phillips.
- Mr Malcolm Toogood, a local resident, did not consider that there was a need for an extension to the existing licence as the area was quiet and there was no demand for an extension. He suggested that Morrisons were only seeking an extension in order to “create a precedent for their planning application for extended delivery hours into unsocial times of the night”.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, those who made a Relevant Representation and Wiltshire Council Officers. A debate ensued in which the Sub-Committee discussed points raised by those who made representations. The Sub-Committee considered that there was no firm evidence submitted to substantiate the points raised. There was no evidence of disturbance in the area and no representations had been made to the Police.

The Sub-Committee members sought clarification on some points and the Chairman explained that the question of delivery hours could not be taken into account by this Sub-Committee as that was a planning issue. The Sub-Committee then retired to consider the application at 11.00am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.12am.

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:

That the Application for a Premises Licence/for a Variation of a Premises Licence at West Cepen Way, Chippenham, SN14 6UZ be granted as detailed below

Licensable Activity	Timings	Days
Sale by Retail of Alcohol (OFF sales)	06:00 – 00:00	Monday - Sunday

Reasons:

The Sub-Committee considered the written evidence presented in the agenda and any relevant oral representations received from Cllr Phillips and Mr Toogood with regards to the licensing objectives.

In reaching its decision the Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub-Committee considered that there was no need for extra conditions to be attached to the variation of the Premises Licence.

Informative

The granting of the variation of the Premises Licence is without prejudice to any other consents or approvals, including any planning permission that may be required.

Right of 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: 10.15 - 11.15 am)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line (01225 713035), e-mail

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NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 16 DECEMBER 2015 AT TIPPETT ROOM, SPRINGFIELD COMMUNITY CAMPUS, BEECHFIELD ROAD, CORSHAM, WILTS, SN13 9DN IN RESPECT OF AN APPLICATION FOR A TEMPORARY EVENT NOTICE - SN15, STATION HILL, CHIPPENHAM

Present:

Cllr Desna Allen, Cllr Simon Jacobs and Cllr George Jeans

Also Present:

Cllr Trevor Carbin

Wiltshire Council

Asifa Ashraf (Solicitor)
Lisa Pullin (Democratic Services Officer)
Roger Bishton (Senior Democratic Services Officer)
Roy Bahadoor (Public Protection Officer)

Responsible Officer

Susan Thurman-Newell (Licensing Officer, Wiltshire Police)
Beverley Pritchard (Acting Licensing Manager, Wiltshire Police)

Applicants

Robin Puddephat (Designated Premises Supervisor, SN15 Leisure Ltd)
Paul Shayegan (on behalf of Applicant)
Matthew Phipps (Messrs TLT Solicitors)

Members of the Public who made a Relevant Representation

None

1 **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies for absence.

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 gave details of the exits to be used in the event of an emergency.

5 Declarations of Interest

There were no interests declared.

6 Licensing Application

Application by SN15 Leisure Limited for two Temporary Event Notices (TEN's) at 17a, Station Road, Chippenham, SN15 1EQ.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

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

Key points raised by the Responsible Authority (Susan Thurman-Newell of Licensing Office, Wiltshire Police) were:

- The premises had been the subject of numerous incidents of crime and disorder, both within the premise and in the vicinity, culminating in the current Premise Licence Conditions. The applicants were a new management team who had had no opportunity to provide any demonstrable compliance with the Licensing Objectives.
- SN15 were seeking and had submitted a Variation of their Premises Licence, primarily to seek the reduction and on occasion removal of the Door Supervisor Condition, together with the amendment of the

Polycarbonate Condition, moving to a risk assessment basis. However, the effect of the two TEN's submitted was to remove all the Premise Licence Conditions.

- The TEN's as submitted did not refer to any current licensable activities, but referred to those amendments submitted in a recent Variation application by the current management team, and which was currently undergoing a period of consultation and had not yet been enacted.
- The premise had been the subject of close scrutiny from both police and council licensing enforcement officers, but on the date of the TEN's notifications, 8 December 2015, an inspection of the CCTV provision at SN15, which the Wiltshire Police Crime Reduction Officer had previously been advised had been installed in line with her requirements, identified non-compliance. There currently being only 48 hours to remedy that non-compliance prior to opening on 10 December 2015 gave cause for concern that during the 12 days of trading under the current premise Licence there was non-compliance with the Condition, namely:

CCTV; (c) The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.

The very recent change in management therefore gave rise to concern in relation to the previous history of crime and disorder.

Key points raised by Matthew Phipps of TLT Solicitors on behalf of the Applicant were:

- A Premises Licence was granted in December 2014 and the premises opened for the first time in August 2015 for six weeks on Friday and Saturday nights. Different individuals were involved in managing the premises at that time.
- SN15 Leisure Ltd was still the Licence Holder and Mr Paul Shayegan was still a director. SN15 Leisure Ltd had varied the Designated Premises Supervisor to be Mr Robin Puddephatt.
- SN15 Leisure Ltd was seeking a relaxation of two conditions in the Premises Licence for the period Thursday 24 and Friday 25 December 2015, concerning the number of SIA registered door supervisors required and the use of polycarbonate glasses.
- Much of the concerns expressed by the Police referred to the period 2008 to 2010 when the premises was run as a night club with a capacity for 600. The night club was run badly resulting in the premises licence being revoked in 2011 and the closure of the premises. Chippenham could not sustain such an establishment in 2015.

- SN15 Leisure Ltd wished to raise the standards and attract a different clientele with the opening of a cocktail bar within the premises where the use of polycarbonate glasses would not be obligatory.
- The applicant requested some flexibility in the number of door staff deemed necessary but did consider that two would be required outside the entrance to the premises when the cocktail bar was operational.
- The applicant acknowledged the deficiencies in the CCTV cameras and confirmed that since the meeting on site with the Crime Prevention Officer, Wiltshire Police on 8 December 2015, all the requirements made at that meeting had been implemented and the whole CCTV system was fully operational.

The parties were given the opportunity to ask questions of the Applicant and the Responsible Authority and Wiltshire Council Officers. A debate ensued in which the Sub-Committee discussed the requirements put forward by Wiltshire Police.

The Sub-Committee members sought clarification on some points before retiring 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 1.00pm.

The Hearing reconvened at 1.30pm.

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 considered the Objection Notice submitted by Wiltshire Police and decided not to issue a Counter Notice in respect of the Temporary Events Notice and therefore to allow the Temporary Events Notice as follows:

The supply by retail of alcohol and the provision of regulated entertainment from 11.00 to 02.30 each day on Thursday 24 December and Friday 25 December.

The Sub-Committee decided to impose all of the conditions on the existing Premises Licence with the exception of:-

(Condition 19a) - Door Supervisors

- a) Minimum of 10 SIA registered door supervisors on every trading session after 21:00. Outside of these areas the number of SIA Door Supervisors to be determined by a Risk Assessment subject to d) below.**

Condition 26 –

Only polycarbonate glasses are to be in use at all times throughout the venue, the venue is to operate a bottle decanting policy; no glass bottles are to be present in the public areas.

Reasons:

The Sub-Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 105); the guidance issued under Section 182 of the Act, in particular part 7, paragraph 7.23, and the licensing policy of Wiltshire Council.

The Sub-Committee reached its decision after consideration of the oral representations made on behalf of the Applicant and Wiltshire Police. The Sub-Committee did note the offer made on behalf of the Applicant to have a reduced door supervision provision during the period of the temporary event notice to meet operational needs, but not at the level prescribed in the conditions of the current premises licence.

The Sub-Committee felt that during the periods of trading so far in 2015 there was no evidence to support the Police's contention that the current management of the premises had given cause for concern. The Sub Committee wished to give the Applicants the opportunity to demonstrate their ability to maintain the licensing objectives and provide a well run establishment.

The Sub-Committee therefore considered that there was no need to give a counter notice, but that it would be appropriate to impose all of the current conditions that were in effect for these premises, apart from those set out above, for the promotion of the licensing objectives. The conditions imposed would not be inconsistent with the licensable activities proposed to be carried out under this temporary events notice.

Right of Appeal

The Chief Officer of Police may appeal against a decision not to issue a Counter Notice. Any appeal must be lodged within 21 days beginning with the day of notification of the decision. No appeal may be brought

later than five working days before the day of the proposed temporary events.

(Duration of meeting: 11.30 am - 1.45 pm)

The Officer who has produced these minutes is Roger Bishton of Democratic Services, direct line (01225) 713035, e-mail roger.bishton@wiltshire.gov.uk

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NORTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 JANUARY 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - SN15, 17A, STATION HILL, CHIPPENHAM

Present:

Cllr Allison Bucknell, Cllr Dennis Drewett, Cllr Desna Allen.

Also Present:

Cllr Chris Caswell, Linda Holland (Wiltshire Council Licensing Authority) Roy Bahadoor (Public Protection Officer), Susan Thurman-Newell (Licensing Officer, Wiltshire Police), Robin Puddephatt (Designated Premises Supervisor), Mathew Phipps (TLT Solicitors) and Paul Shayegan (on behalf of the Applicant) Roger Bishton (Senior Democratic Services Officer), Lisa Pullin (Democratic Services Officer) and Natalie Heritage (Democratic Services Officer).

10 **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.

11 **Apologies for Absence/Substitutions**

There were no apologies or substitutions.

12 **Procedure for the Meeting**

The Chairman explained the procedure of the meeting to all attendees in the Chamber.

13 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

14 **Declarations of Interest**

There were no interests declared.

15 **Licensing Application**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

It was noted that proposed revised conditions had been agreed between the Applicants and the Police in relation to the conditions on door supervisors and the use of polycarbonates before the meeting. The Licensing Authority (as Responsible Authority) had indicated that it was satisfied that these additional conditions would address its concerns about the application.

As all parties to the hearing had had the opportunity to consider these proposed revised conditions the Sub Committee agreed to accept these as late evidence for consideration by the Sub Committee.

In accordance with the procedure detailed in the agenda, the Applicants, the Responsible Authorities and those who had made a relevant representation were given the opportunity to address the Sub Committee.

Key points raised by Matthew Phipps, TLT Solicitors, on behalf of the Applicants, were:

- In 2013 a Provisional Statement was granted to SN15 Leisure Limited. In November 2014 a full Premises Licence was granted. Works were then carried out at the premises and trading commenced in August 2015, however, after a couple of weeks the premises ceased to operate because business was unsustainable;
- The Applicants wished to alleviate the existing door staff condition which stated that 10 door staff needed to be present whenever the premises was open and trading. The proposed new condition was explained as; the greater the number of areas in the premises open, the greater the number of security staff that would need to be positioned in those areas;
- A number of Temporary Event Notices were used over the Christmas period and into January 2016 and at a hearing on 16 December 2015 the Licensing Sub Committee had agreed not to serve a counternotice objecting to these TENs, on the basis that the events would be operated with a reduction in the number of door staff and with the use of glass at the premises;
- The Applicants felt that a relationship was being developed between them and the Responsible Authorities and they were working together to move forward with the smooth running of the Premises, so that it was successful for everyone;
- Although CCTV regulations were previously not correctly adhered to; 21 CCTV cameras were now in place.

The Sub Committee sought clarification on the details of the revised conditions and it was confirmed that:

Security Supervisors:

- 2 door supervisors to be on duty from 9pm until close;
- 1 floor supervisor to be mobile in the lower bar (ground floor) area;
- An additional door supervisor to be on duty when the balcony is open and in operation;
- 2 floor supervisors to be on duty at all times in the cocktail bar and dance floor area (1st floor) when the premises is open;
- 1 floor supervisor to be engaged on the patio and to be supported by the mobile floor supervisor when the patio is open;
- When the whole premises is open – 8 supervisors to be on duty, with 2 door supervisors on duty for 30 minutes after close to assist with various tasks such as, litter collection and street supervision.

The dress code for the door supervisors was noted as being different to the attire of the floor supervisors, in the hope that the door supervisors could help to make the premises emit an air of sophistication. However, door supervisors would have their SIA badges clearly displayed on them.

The dress code of the additional floor supervisors was explained to be traditional security attire, with a full SIA badge on display.

The door supervisors would be required to sign in and out when working at the premises and to keep a record of refusals and incidents in a book that could be made available for inspection by the Responsible Authorities.

Some of the new conditions on polycarbonates were clarified to the Sub Committee as follows:

- Glasses to be permitted in the cocktail bar;
- Wine and Champagne bottles to be permitted in the lower cocktail bar;
- Beer is always to be served in polycarbonates;
- Glass bottles (for drinks that are served other than in the lower bar) would be decanted.

The Applicants stated that they would prepare risk assessments for the whole premises; these assessments would relate to when specific areas of the premises are open, while other areas remain closed and also to when the premises is open as a whole.

It was also noted that it would be unlikely for the premises to be filled to its capacity of 500; as the population and demographic of the town did not appear to suggest that this is a possibility and because of the previous occurrence of unsustainable business.

Those who had made relevant representations were then given the opportunity to ask questions of the Applicants:

Q: Could the lower cocktail bar be used for other things?

A: Yes other regulated entertainment could take place there, in accordance with the existing Premises Licence.

Key points raised by Susan Thurman-Newall, Licensing Officer, Wiltshire Police were:

- At the hearing for the TEN on 16 December 2015, the Sub Committee had expressed their wish to give the Applicants the opportunity to demonstrate that they could provide a well-run establishment. Wiltshire Police were, in principle, supportive of this new business; although the new management team had not yet had the opportunity to give demonstrable evidence that they were effective in running the premises;
- The Applicants had been in breach of their conditions in August 2015 when they had opened for a brief period; this was discovered at an inspection in December 2015, when it was found that the CCTV provision was not to the satisfaction of the Police Crime Reduction Officer. However, on 2 January 2016 when the Police further inspected the premises, it was confirmed that the Applicants had satisfactorily updated the CCTV system;
- It was felt that the previous conditions had been too complicated and that the Applicant had unknowingly breached these conditions;
- It was hoped that the newly worded conditions would allow the Applicants to demonstrate that they could adhere to the licensing conditions effectively.

Key points raised by Chris Caswill, Divisional Councillor for Monkton Park were:

- He was concerned that the revised conditions agreed between the Police and the Applicant could be taken to be more confusing and could lead to further misunderstanding, which in turn, could lead to potential future premise owners exploiting the terms of the license at a later date;
- The words used in the revised conditions did not tally with the areas described on the plans submitted with the Agenda;
- He didn't understand why the dress code needs to be varied;
- The condition on polycarbonates was not clear as it said that beer is always to be served in polycarbonates, yet, that glass bottles are permitted in the Cocktail Bar;
- He believed that the conditions needed to be revised and strengthened so that they are clear to all.

Key points raised by Linda Holland, Public Protection Team Leader on behalf of the Licensing Authority were:

- The Licensing Authority wished to highlight its concerns to the Sub Committee, in that the original proposed variation was confusing and did not seek to promote the licensing objectives;
- The application procedure had been confusing, yet, advice had been offered to the Applicants by an attending licensing officer at a recent visit – where points that required attention were identified;
- When the premises re-opened in December 2015, the Licensing Authority had not noted any complaints, however, the premises had not been operating at full capacity;
- The revised conditions were now clearer;
- The Licensing Authority was satisfied to support the proposed amendments, subject to assurances being sought from SN15 Leisure Limited to fully understand and comply with the new conditions.

The Chairman then permitted Cllr Caswill to ask a question to Linda Holland:

Q: As there is a limited number of occupants that could be on the ground floor, approximately 274 customers, I would like clarification that the Licensing Authority believes that 3 door stewards would be appropriate for 274 persons?

A: *An almost 300 capacity nightclub with 3 door staff is deemed acceptable by the Licensing Authority.*

A discussion which predominantly centred on the re-wording of the new set of agreed conditions followed and several points were made:

- That risk assessments would be conducted and completed by the Applicants and the Responsible Authorities would have the right to inspect these assessments;
- Due to the capacity of the ground floor (274), 3 security supervisors would be sufficient (not including rear smoking area and balcony);
- That draught beer is always served in polycarbonates;
- That the serving of drinks in glass bottles is done on a risk assessment basis;
- That to save for further confusion, any bracketed words on the floor plans (as submitted in the Agenda papers) to be removed, so that each area only has one name;
- That the Licensing Authority has the power to close down a premise at very short notice, if a premises is deemed to be in breach of any licensing conditions.

Linda Holland, on behalf of the Licensing Authority made the following points in summation:

- That the Licensing Authority was in agreement with the proposed changes and wish to give the Applicants the ability to demonstrate how they can comply with the conditions and provide a well-run establishment;
- That there was no evidence of serious non-compliance, but there are a few slight areas that needed ironing out.

Cllr Chris Caswill, made the following points in summation:

- My views appear not to be in accordance with Wiltshire Police and the Licensing Authority. It appears that this premises is to become a nightclub on reduced numbers and we must be clear for the future and provide adequate conditions that would suit full capacity;
- I have concerns about the numbers of door staff and believe that the conditions have become further complicated and would ask the Sub Committee to give serious consideration when making their decision.

Susan Thurman-Newell, on behalf of Wiltshire Police, made the following points in summation:

- The Police do have residual concerns, but are aware that this is a premises trading under new management and that we are in agreement with the revised conditions.

The Licensing Officer asked why the Police had requested door staff in individual areas and not just minimum numbers? Susan Thurman-Newell responded that they felt they needed to consider the movement of patrons

through the premises, as there was a drive by the Applicants to change the focus of the business. It was noted that staff should be ensuring that no glasses were being moved into areas that were not permitted (dance floor and outside). Ms Thurman-Newell informed the Committee that she had looked at other similar premises and how the numbers of door staff that these premises employ compared.

Matthew Phipps on behalf of the Applicants made the following points in summation:

- That potential future ownership of the premises is not relevant in the consideration of this application;
- The conditions had been approved by the Responsible Authorities and the Sub Committee need to consider evidence when making the decision.

The Sub Committee then adjourned at 12.00pm and retired with the Solicitor and the Democratic Services Officers to make a decision on the licensing application.

The Hearing reconvened at 12.50pm.

The Sub Committee considered all of the oral 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 has resolved to grant the variation of the Premises Licence submitted by SN15 Leisure Limited in respect of SN15, 17a Station Hill, Chippenham as follows:

Conditions:

Door Supervisors

A minimum number of door supervisors should be provided as follows:

- a) Entrance* = Two door supervisors will be on duty at the main entrance from 21:00hrs.**
- b) Ground Floor (Lower Bar/Front Bar) = 1 Mobile Door Supervisor.**
- c) Balcony = 1 Door Supervisor.**
- d) First Floor (Cocktail Bar/Dance Floor) = 2 Door Supervisors**
- e) Rear Patio areas = 1 Door Supervisor, from 21:00hrs. – Ground Floor (Lower Bar/Front Bar) Mobile Door Supervisor to assist, when whole Patio is open or First Floor Dance Floor area is operating independently.**

- f) Entrance and Patio/Smoking Area require Door Supervisors from 21:00hrs; in all other areas Door Supervisors to commence duties at 21:00hrs if the section is open, or 30 minutes prior to the section opening (when opening at a later time).
- g) When Premises operating as a whole premise 8 Door Supervisors will be required – commencement times as previously stated.
- h) 2 Door Supervisors to remain on duty outside the venue, for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social behaviour and/or criminal behaviour. This also includes clearing the street of any litter left behind by patrons.

*Entrance Security = dress code to be agreed in consultation with Wiltshire Police, SIA Licence to be on the operative at all times.

All other areas = Door Supervisors to be in traditional Security dress with SIA licences on display.

The above conditions to apply whenever trading, whether or not Regulated Entertainment taking place.

Security Incident Register to be maintained, with Security Operatives signing on & off duty with full 16 digit SIA licence number.

All refusals & incidents to be recorded in the security incident book, which is to be signed off by the Duty Manager at the end of each day's trading.

Polycarbonates

- a) The use of drinking glasses is permitted in the lower and front bar.
- b) Glass wine and Champagne bottles, will only be allowed in the Ground Floor (Lower Bar, the Front Bar) and the First Floor Cocktail Bar. Door Supervisors will ensure that no Glasses and Bottles are allowed outside of these areas.
- c) Beer to be served in polycarbonates at all times – glass bottles to be decanted, or beer to be served in polycarbonate bottles, or to be on Tap and served in polycarbonate glasses.
- d) When the premises are operating as a whole, the requirement for additional polycarbonates will be determined by a risk assessment.

The above polycarbonate conditions to apply whenever trading, whether or not Regulated Entertainment taking place.

The Licence holder shall ensure that clear Risk Assessments and Management Procedures and Practices, in relation to these conditions, are prepared, maintained and made available to the satisfaction of Wiltshire Police and Wiltshire Council Licensing Authority.

Reasons:

The Applicants stated that they now wished to be able to operate the premises partly as a cocktail bar and did not wish to use the whole premises as a night club at all times.

For this reason, the Applicants considered that the existing licence conditions were not appropriate for this reduced, and different, level of operation. The purpose of the variation application was to have more flexible requirements for door staff, dependant on the level of use of the premises, and to allow drinks to be served in glasses in the cocktail bar areas.

The Sub Committee noted that revised conditions in respect of door staff and the use of polycarbonates had been agreed between the Applicant and the Responsible Authorities who had made relevant representations. Both the police and the Licensing

Authority had indicated that these proposed revised conditions were adequate to address their concerns and were appropriate to meet the licensing objectives, particularly relating to the prevention of crime and disorder and public safety.

Taking account of comments made at the hearing, the Sub Committee considered, however, that further minor changes to those proposed conditions were appropriate to provide further clarity, particularly in relation to the identification of the areas of the premises covered by the requirements in the new conditions.

With these minor changes, the Sub Committee considered that the agreed variation to the conditions on the premises licence should be approved, taking into account the change in the intended use of the premises, since the original licence had been issued.

Right of 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: 10:30-12:57)

The Officer who has produced these minutes is Natalie Heritage, tel 01225 718062, or email natalie.heritage@wiltshire.gov.uk, of Democratic Services.

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

SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 SEPTEMBER 2015 AT COUNCIL CHAMBER, DEVIZES TOWN HALL, ST JOHN'S STREET, DEVIZES IN RESPECT OF AN APPLICATION FOR PREMISES LICENCE - SPORTS AND SOCIAL CLUB, 37 TIDWORTH RD, LUDGERSHALL, ANDOVER, SP11 9QE

Present:

Panel Members

Cllr Dennis Drewett, Cllr Jose Green and Cllr Simon Jacobs

Wiltshire Council

Cllr Sue Evans (Reserve Member), Hannah Hould (Public Protection Officer – Licensing), Lisa Pullin (Democratic Services Officer) and Paul Taylor (Senior Solicitor)

Applicant

Michael Mead (Club President) and Michael Collings (Club Secretary)

Relevant Representations

Fiona Musker and Jane Rattue

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" (Pages 5 -11 of the Agenda refers).

3 **Chairman's Announcements/Substitutions**

The Chairman gave details of the exits to be used in the event of an emergency.

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

Application for a Premises Licence by Ludgershall Sports and Social Club in respect of 37 Tidworth Road, Ludgershall.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. She highlighted the following:

- The premise had held a Club Premises Certificate since 24 November 2005 and had been advised to apply for a Premises Licence following an inspection visit from the Licensing Officer;
- During the consultation period 15 relevant representations were received from local residents;
- During the consultation period, the Applicants made amendments to the application and the proposed operating schedule – namely:
 - Closure at 02:00hrs on Friday/Saturday is to be limited to 12 times per year; normal Friday/Saturday closure will be 00:30hrs as per the current Club Certificate. The Licensing Authority will be notified 14 days prior to the event for which the extended hours will be used.
 - Outside music/entertainment will cease at 21:30hrs.
 - Signage will be displayed at the premises requesting that customers leave the premises quietly.
 - Implementation of a Noise Management Plan.

- The Applicants and those who had made a representation were informed of the requirements following the Live Music Act which came into force on 6 April 2015.
- The appeal process available to all parties to the hearing.

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 Michael Mead (Club President and Michael Collins (Club Secretary) on behalf of the Applicant were:

- That the application to extend opening to daytime hours was to enable them to use the club for daytime events, such as funeral wakes and this would only be when the need arose;
- The intention was to continue the running the premise as a members club and the late openings would be limited to events for internal club member functions; and
- The club had been on the site since 1938 and they had never received any complaints about noise until the application had been filed this year.

The following questions/issues were raised with the Applicant:

How many external events do you plan to hold?

1 or 2 a year.

The noise created bounces off the surrounding buildings and because of the layout the noise hits me in my property twice.

We have spoken to the Environmental Health team and we now have in place a Noise Management Plan. We have already implemented this plan even though we don't need to yet. When we are having music all windows and doors will close at 23:00 hours. That measure has been put in place already and will remain in place.

How will you manage this in the summer when your patrons are hot and wish to open doors and windows?

We will continue with training our staff and advising them of our regulations about the closures. We will have the DJ announce at 22:45 hours that all windows and doors must close at 23:00 hours. If one of our members does not abide by the Club rules, then appropriate sanctions would be taken.

When your patrons have left late events at the club they have been noisy and there have been occasions when they have been locked into the outside area and used our roof as a means of escape, causing damage to our property.

We have already put up notices on all exits, asking our patrons to leave quietly. Our staff will reinforce this at the end of events. We will encourage taxi collections to be from the front of the building so that they are not using the gravel drive. The field is closed during the week and would say that it is young people climbing over and causing the damage. We want to do all we can to avoid disturbance and be neighbourly.

How is the club currently used?

There are currently 280 members of the club. During the evenings on Monday to Thursday we usually have about 3 members in having a drink and we close by 10pm as there is no demand. On a Friday there are about 60 people in as we have a darts team. On a Saturday we have about 30 people in. Most of the events we hold are on Saturday evenings. We are applying for the change so that we don't have to apply for a Temporary Events Notice each time we want to hold an event, but we have no intention of using the late opening on a regular basis.

Do you have any plans to put down a tarmac drive to reduce the noise from the gravel?

If we were able to build up a fund to do this then we would look into it. We will encourage our patrons to park at the front and not use the gravel drive.

The following questions/issues were raised with those who had made relevant representations present at the meeting (Fiona Musker and Jane Rattue):

How long have you lived at your current address?

I have lived there since 1992 and not noticed an increase in problems, but don't want an increase. I have problems with children who are using the premises that are not supervised. When they are playing out in the field they have used dangerous methods to knock down conkers from my tree that overhangs the field and often to come into my garden to collect balls without permission.

Have you got any signage in your garden?

I have been disturbed by people entering my garden at 20:30/21:00 hours and when I do question them I usually get abuse.

Have you raised these issues with the Applicant?

No.

Mr Collins on behalf of the Applicant stated that the current club Committee members are seeking continuous improvement and had not received any verbal or written complaints about the Club until the application for a premises licence was submitted. The Club now had a complaints procedure in place. The Club would be very happy to hear any concerns that neighbours have and do their best to resolve issues.

Paul Taylor (Senior Solicitor) wished to clarify that it was the intention to only allow internal club member events to make use of the extended licensing hours. The Applicant confirmed that this was correct and other non-member events, i.e. funerals would be held during the day.

Hannah Hould (Public Protection Officer – Licensing) confirmed that although the Club may intend to carry on running as they were under the Club Premises Certificate, the Council would be unable to condition the Premises Licence limiting the opening times.

In summation those who had made relevant representations asked how long a licence if granted would last. It was confirmed by Officers that it would remain in place indefinitely provided that the annual fee is paid and that it is not brought in to review and revoked.

The Chairman explained that should a license be granted that all conditions must be fully complied with and if there were any problems that arose, any party to the hearing were able to make an application for a review of the licence,

In summation the Applicant confirmed that:

- They are trying to provide a service to their community;
- In the main events would be held on a Saturday and probably likely to only be 4 times a year; and
- In previous years the club had made losses and they were seeking to find additional daytime income to keep the club going.

The Sub Committee then retired to consider the application at 11:15am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 12:00.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that there was no specific material legal advice given in closed session.

Resolved:

The decision of the Sub Committee is to GRANT the application for a Premises Licence for Ludgershall Sports & Social Club, 37 Tidworth Road, Ludgershall, as detailed below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live Music (indoors and outdoors)	12:00 – 00:00 12:00 – 02:00 (next day) 12:00 - 23:00	Monday – Thursday Friday and Saturday Sunday
Recorded music (indoors and outdoors)	12:00 – 00:00 12:00 – 02:00 (next day) 12:00 - 23:00	Monday – Thursday Friday and Saturday Sunday
Sale by retail of alcohol ON and OFF sales	12:00 – 00:00 12:00 – 02:00 (next day) 12:00 - 23:00	Monday – Thursday Friday and Saturday Sunday

Subject to conditions consistent with those offered in the Applicant's Operating Schedule, Noise Management plan and supporting statement and to the following additional conditions

1. The sale of alcohol and the provision of regulated entertainment beyond 00:30 on Fridays and Saturdays:
 - a) Will only be permitted on no more than 12 occasions per calendar year.
 - b) Will only be permitted as part of an event organised by or behalf of a member of the Sports and Social Club .
 - c) Will require the Licensing Authority to be notified 14 days prior to the event for which the extended hours will be used and a prominent notice to be displayed at the premises for the benefit of the local residents at least 14 days before the event.
2. Appropriate signage will be displayed at the premises requesting that customers leave the premises quietly.

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 noise and disturbance in the area.

The Sub Committee accepted that there could be noise issues with late night events and that it was therefore appropriate to limit the number of such events and to require them to be organised by members of the Club, thereby providing a further measure of control.

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: 10.20am – 11.15am
Adjournment for Decision – 11.15am – 12.00pm
Announcement of Decision 12.00pm – 12.05pm)

The Officer who has produced these minutes is Lisa Pullin,
lisa.pullin@wiltshire.gov.uk or tel 01225 713015, of Democratic Services

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SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 5 OCTOBER 2015 AT COUNCIL CHAMBER, DEVIZES TOWN HALL, DEVIZES, SN10 1BN IN RESPECT OF AN APPLICATION FOR A PERSONAL LICENCE

Present:

Cllr Ernie Clark, Cllr Peter Evans and Cllr Desna Allen

Also Present:

(Applicant), Sue Thurman-Newell (Wiltshire Police), Paul Taylor (Senior Solicitor), Hannah Hould (Public Protection Officer - Licensing), Lisa Grant (Public Protection Officer - Licensing), Fiona Rae (Democratic Services Officer) and Cllr Sue Evans (observing)

1 **Election of Chairman**

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

Resolved:

To elect Cllr Ernie Clark 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" (Pages 1 – 6 of the Agenda refers).

3 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

4 **Declarations of Interest**

There were no declarations of interest.

5 **Exclusion of the Public**

Resolved:

That, in accordance with Regulation 14 of the Licensing Act (Hearings) regulations 2005 the public be excluded from the hearing as the public interest in so doing outweighed the public interest in the hearing taking place in public.

6 Licensing Application

Application for a Personal Licence

The Licensing Officer introduced the purpose and scope of the application and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant and the Responsible Authority (Wiltshire Police) were given the opportunity to address the Sub Committee and ask questions.

Having heard all of the representations and summations from the Applicant and Responsible Authority, the Sub Committee retired to consider the application at 1.45pm and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 2.20pm.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council confirmed that there was no specific material legal advice given 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 Southern Area Licensing Sub Committee resolved to GRANT the application for a Personal Licence.

Right to Appeal:

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

(Duration of meeting: 1.25 - 2.25 pm)

The Officer who has produced these minutes is Fiona Rae, of Democratic Services,
direct line 01225 712681, e-mail fiona.rae@wiltshire.gov.uk.

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SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 2 MARCH 2016 AT MEETING ROOM - CITY HALL, MALHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN APPLICATION FOR VARIATION OF A CLUB PREMISES CERTIFICATE, SALISBURY LAWN TENNIS CLUB, OLD BLANDFORD ROAD, HARNHAM, SALISBURY

Present:

Paul Taylor, Cllr Jose Green, Cllr George Jeans, Cllr Leo Randall, Cllr Peter Evans, Moore, Garrod and Hould

Also Present:

Ian Garrod (Licensing Officer)
Hannah Hould (Licensing Officer)
Lisa Moore (Democratic Services Officer)
Paul Taylor (Solicitor)
Mrs Trina Smith – Applicant
Mr Stephen Berry – Applicant
Mr Simon White - Applicant
Mr Leggett – Public Representation

1 Election of Chairman

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

Resolved:

To elect Councillor Leo Randall as Chairman for this meeting only.

2 Apologies for Absence/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” (Pages 1 – 6 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Salisbury Lawn Tennis Club for Variation to a Club Certificate at, Old Blandford Road, Harnham, SP2 8DG

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration, including:

- The Application was for changes to the internal licensed area and the inclusion of the external area, outside the clubhouse. No objections had been received in respect of changes to the internal area.
- Following the public notice of the application being circulated, a flyer had been produced locally, and circulated in the area. The information contained in the flyer was found to be inaccurate and misleading.
- Five representations had been received, however subsequently one had been withdrawn.
- Due to changes in the Licensing Act in April 2015, the club was already permitted to have live and recorded music in the outside area, under the current licence, providing the audience did not exceed 500 persons.
- Concerns had been raised regarding recorded music which was played during cardio tennis sessions at the club; however no complaints had ever been received by the Police or Environmental health in the past.
- The applicant had submitted a Noise Management Plan.
- The report included a list of further agreed actions by the applicant in response to the representations received.

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

Key points raised by Trina Smith of Salisbury Lawn Tennis Club were:

- The club had 355 members (169 adults) with 9 courts.
- The new Clubhouse was built 5 years ago.
- In Oct 2015, the club realised the current licence detailed the old club house, so contacted the Council to have this revised to include details of new club house.
- This triggered the display of public notices detailing the proposed changes.
- Many of the members of the club are elderly and drive, so do not drink whilst in attendance.
- The club believed that the representations received by the four local residents were out of proportion and described behaviour not attributed to the club, particularly the issue of drunk people urinating in the hedge near one property, as it was felt that it was likely to be the result of a person returning from the city late at night rather than a club member having just left the clubhouse with four toilets.
- One of the representations had been made by a resident who had extended his property towards the direction of the club.
- The club did not wish to play amplified music beyond what was stated in the Noise Management Plan.
- The club planned to hold a small number of outside events throughout the year, including a BBQ and an Open Day.

Key points raised by Mr Leggett, who was in attendance to make relevant representations were:

- The situation most of the residents had issue with seemed to relate to the consumption of alcohol outside the clubhouse, rather than the noise from music.
- He felt that only permitting members and their guests to consume alcohol purchased within the clubhouse, and prohibit them bringing their own drinks in, would help to control and monitor consumption.

The parties were given the opportunity to ask questions of the Applicant, those who made a Relevant Representation and Wiltshire Council Officers. A debate ensued in which the Sub Committee discussed whether if the licensed area was increased to include the outside space, excluding the tennis courts, the club would continue to permit members to bring their own alcohol on to the premises. The Club welcomed the idea of the introduction of a new rule which prohibited members from bringing their own alcohol on to the site, as they felt that this would be both beneficial to the sale of products from the clubhouse and aid in monitoring drinkers. The applicant was in favour of this and would take the matter to the club committee for consideration.

The Sub Committee members sought clarification on some points before retiring 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 11.15am.

The Hearing reconvened at 12.13pm.

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 decision of the Sub Committee is to GRANT the variation to the club certificate at Salisbury Lawn Tennis Club, Old Blandford Road, Harnham, SP2 8DG, to change the licensed area internally and to include the external area, as shown edged red on the revised plan at Agenda Item 6g, as a licensed area with the condition as detailed below:

- 1. That any licensable activities on the Premises shall comply with a Noise Management Plan as agreed by Environmental Health.**

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 alcohol consumption and associated noise at the club and the surrounding area.

The Sub Committee noted the willingness of the Applicant to change the Club Rules to prohibit alcohol being brought on to the premise by members and their guests. The Sub Committee considered that this would be beneficial.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); 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: 10.30am - 12.15pm)

The Officer who has produced these minutes is Lisa Moore, tel 01722 434560 or email lisa.moore@wiltshire.gov.uk , of Democratic Services, direct line 01722 434560
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SOUTHERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 29 JUNE 2016 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE; HARNHAM LOCAL 1 HARNHAM ROAD, SALISBURY, SP2 8JG

Present:

Cllr Trevor Carbin, Cllr Jose Green, Cllr George Jeans (Substitute) and Cllr Leo Randall

Also Present:

Ian Garrod (Licensing Officer)
Linda Holland (Licensing Manager)
Lisa Moore (Democratic Services)
Paul Taylor (Solicitor)
Cllr Ian Tomes – Public Representation
Elizabeth Slater – Public Representation
The Reverend Canon Michael Goater – Public Representation

Members of the public

21 Election of Chairman

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

Resolved:

To elect Councillor Trevor Carbin as Chairman for this meeting only.

22 Apologies for Absence/Substitutions

There were no apologies.

23 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" (Pages 1 – 6 of the Agenda refers).

24 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

25 **Declarations of Interest**

There were no interests declared.

26 **Licensing Application**

Application by Mrs Fatma Kaya-Cifci for a Premises Licence – Harnham Local, 1 Harnham Road, Salisbury, SP2 8JG.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration, including:

- The Application was for a premises license for the sale by retail of alcohol (off sales) for the hours of 7.00am – 11.00pm Monday to Sunday.
- Eleven relevant representations had been received, ten objecting to the application and one in support.
- No representation had been made by any of the statutory Authorities.

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

Key points raised by Mr Hudson of Dorset Licensing on behalf of the Applicant were:

- The premises was a small store which would stock a typical range of goods. Over the past 110 years the premises had been used mainly as a grocery or general store and had also served as a post office. Only in the past 10 years the premises had not operated as such and had been used as a furniture design store.
- Both of the applicant and her husband had several years experience in the sale of alcohol.
- The applicant had operated other stores around the City and had not experienced any problems relating to anti social behaviour in the past.
- The relevant Authorities had not found anything to cause them to make representations.
- The applicant had been in contact with the Crime Prevention Officer and would continue to work with him.
- CCTV would be in operation in the store, as per the condition detailed on page 28 of the agenda.
- High value goods such as spirits and tobacco would be kept behind the counter.

- Steps had been put forward to promote the Licensing Objectives.
- Staff responsible for selling alcohol would all receive training and be over 18 years of age.
- The till would alert the staff when goods requiring ID were scanned.
- The operating hours applied for were 7 – 11pm 7 days of the week, however flexibility would allow the applicant to open less depending on the level of trade.
- This would be a family based store; it was in the best interest of the applicant to monitor any anti social behaviour.
- There was a long history of a shop at this location, it would be a benefit to the community.
- The store was likely to be closed by the time people walked back from town after the pubs closed on Friday and Saturday evenings.

Key points raised by those who made a Relevant Representation were:

Cllr Ian Tomes:

- Did not usually object to licensing applications; however he felt the site to be unsuitable as it was too cramped an area, close to the houses and without a car park.
- Some residents had started a petition against the application, and had been unhappy that the meeting had been scheduled during the day as more would have attended if it had been held in the evening.
- A shop and post office had been on this site in the past for many years, many residents would welcome a shop, but not with off sales of alcohol. The area suffered from anti social behaviour with intoxicated people urinating in the area.
- The site was very prominent as it sat on the junction of three roads, it would add to the noise and nuisance which the residents already had to suffer.

Elizabeth Slater:

- The prevention of Public Nuisance and Public Disorder was key.
- The route from Harnham to the City already suffered from problems such as vandalism to cars, gates and windows and intoxicated people climbing into the sheltered housing complex.
- The premises did not have a link to public behaviour as it was previously operating as a furniture shop.
- The application ran counter to guidance despite the lack of input from the Police and Environmental Health.

The Reverend Canon; Michael Goater:

- As Master of St Nicholas' Hospital on Harnham Road he was responsible for 28 vulnerable adult residents.
- Any impact from crime and disorder or public nuisance impacted on the residents.

- St Nicholas road suffered from low level behaviour, including the littering of alcohol cans exasperated by alcohol consumption.
- Nuisance included minor vandalism, shouting in the street, cars revving and trespassing incidents related to intoxication.
- The CCTV on site at the hospital acted as a deterrent; however this did not prevent issues which spread beyond the scope of the cameras.
- There was no doubt that the store would be well managed, however it was felt that once alcohol was removed from the premises, that would be where the trouble would occur.
- One concern was the protection of the children passing on their way to school.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, those who made a Relevant Representation and Wiltshire Council Officers.

The Sub Committee members sought clarification on some points before retiring 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 11.30am.

The Hearing reconvened at 12.30pm.

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 decision of the Southern Area Licensing Sub Committee was to GRANT the Premises Licence for Harnham Local, 1 Harnham Road, Salisbury, SP2 8JG, with the following condition, in addition to those on the operating schedule:

1.
 - a) **A CCTV system with recording or monitoring capability shall be installed. Recordings shall be kept for 28 days and be made readily available to any authorised Officer of Wiltshire Council or Police Officer.**
 - b) **The CCTV system shall be maintained in full functioning order and used at all times when the premises are open.**
 - c) **The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.**

Reasons:

The Sub-Committee took into account the written representations and the oral submissions received at the hearing from all parties relating to concerns about anti social behaviour and crime & disorder.

Having taken those representations into account and noting that there had been no representations from the Police, the Sub Committee decided that it was appropriate to grant the application with the strengthened condition concerning the CCTV provision.

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.

The granting of this premises application is without prejudice to any other consents or approvals, including any planning permission that may be required.

- 27 **Appendix 1 - Application**
- 28 **Appendix 2 - Map**
- 29 **Appendix 3 - Email from Cllr Tomes**
- 30 **Appendix 4 - Email from Robert Key**
- 31 **Appendix 5 - Map**

(Duration of meeting: 10.30am – 12.35pm)

The Officer who has produced these minutes is Lisa Moore 01722 434560, of Democratic Services, direct line 01722 434560, e-mail lisa.moore@wiltshire.gov.uk

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WESTERN AREA LICENSING SUB COMMITTEE – 1 SEPTEMBER 2015

MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 1 SEPTEMBER 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A LATE NIGHT REFRESHMENT LICENCE - 1 BRATTON ROAD, WESTBURY, WILTSHIRE, BA13 3EN

Present:

Cllr Trevor Carbin, Cllr Sue Evans and Cllr George Jeans

Also Present:

Damaris Broad and Gary Tomsett (Environmental Health, Wiltshire Council), Paul Taylor (Senior Solicitor, Wiltshire Council), Kieran Elliott (Senior Democratic Services Officer), Wiltshire Council), Carla Atkins (Public Protection Officer, Wiltshire Council), Mr James Loudoun (Relevant Representation), Mr Refki Ibsi (Applicant), M Faluk Rasooli (Applicant supporter), Tony Hajikakou and Christine Scrivens (Applicant representatives), Cllr Peter Evans and Cllr Jeff Osborn.

1 **Election of Chairman**

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

Resolved:

To elect Councillor Trevor Carbin 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" (Pages 1 – 6 of the Agenda refers).

3 **Chairman's Announcements**

There were no announcements.

4 **Declarations of Interest**

There were no interests declared.

5 Licensing Application

Application by Mr Refki Ibisi for a Late Night Refreshment Licence at 1 Bratton Road, Westbury, BA13 3EN

It was noted that the hearing had previously convened on 6 August 2015 and had adjourned due to confusion over the identity of the applicant.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

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

Key points raised by Tony Hajidakou and Christine Scrivens on behalf of the Applicant were:

- The applicants had taken note of the concerns of officers and residents and had undertaken work to mitigate those concerns. The applicants were local residents themselves, and so would take every measure necessary to uphold the licensing objectives for all in the area.
- Since the initial hearing on 6 August the cooking fans had been cleaned and serviced, and now dispersed any smells over the rooftops appropriately. Refuse from the establishment would be properly stored and disposed of.
- The extractor had been fixed and noise levels were now well within acceptable levels.
- All menus will detail the location of the nearby car park, and a sign posted asking visitors to respect residents and staff would be trained on how to deal with difficult customers - anti-social behaviour should therefore not be increased, particularly given the premises was a take-away and not a restaurant where people would remain after collecting their food.
- Continuing to restrict the opening hours to 2300 was a hindrance on the operation of the business and would cause difficulties with customers, who would expect such an establishment to be open after such a time.

Key points raised by those who made a Relevant Representation in attendance, Mr James Loudoun, were:

- Mr Loudoun disputed that the flue shoot was currently above the eaves of his property as required.

- He also stated he had witnessed cooking oil spilling into drains and left on the street. The applicants stated this would be stored within the building and removed by a proper company.
- It was also stated the noise level remained excessive despite works stated to have been undertaken, and that no improvement had been noticed as of the date of this hearing. The back gardens of adjoining properties could no longer be used for recreation.
- If the applicants were struggling to uphold objectives now, as he believed they were, more hours would only make the situation worse.

Key points raised by the Responsible Authority (Damaris Broad and Gary Tomsett of Environmental Health, Wiltshire Council) were:

- Abatement notices had been issued as a result of noise complaints, and on initial visits the noise could be heard over 30m away from the property.
- There had also been complaints of the odour.
- Environmental Health had received a certificate that the extractor fan had been cleaned, and that noise and odour would be reduced, but the certificate had not been of sufficient detail to explain to what standard this had been done and what specific effect it had had, or if the person stating they had done the work was qualified to do so.
- The latest noise check had still resulted in sound being audible from the nearby car park over general daytime noise.
- Although some progress had been made, as of the date of this hearing Environmental Health could not confirm suitable measures had been taken to address concerns, so objection remained.

All parties including the Sub Committee were given the opportunity to ask questions of the Applicant, Responsible Authority, those who made a Relevant Representation and Wiltshire Council Officers.

The Sub Committee members sought clarification on some points, including how noise measurements are taken and how quickly this could be arranged if necessary, noting this was dependent on weather conditions as well, before allowing the parties to sum up.

Mr Loudoun felt that his and others' reasons for objecting remained in place.

The representatives of the applicant stated they had already addressed all concerns and if further problems arose they would deal with them then.

Before retiring 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 1505

The Hearing reconvened at 1545.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

No specific legal advice had been given, other than to clarify that the only relevant issues were those relating to the licensing application wishing to extend the premises licence beyond 2300, not other general points.

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:

To adjourn the hearing until at least 25 September 2015 in order for Environmental Health to acquire evidence of the efficacy of stated works to reduce the impact of noise from the property.

(Duration of meeting: 2.00 - 3.50 pm)

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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WESTERN AREA LICENSING SUB COMMITTEE – 4 NOVEMBER 2015

MINUTES OF THE RECONVENED WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 4 NOVEMBER 2015 AT THE PRATCHETT ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISE LICENCE - 1 BRATTON ROAD, WESTBURY, WILTSHIRE, BA13 3EN

Present:

Cllr Trevor Carbin, Cllr Sue Evans and Cllr George Jeans

Also Present:

Damaris Broad and Richard Francis (Environmental Health, Wiltshire Council), Paul Taylor (Senior Solicitor, Wiltshire Council), Lisa Pullin (Democratic Services Officer), Wiltshire Council), Carla Atkins and Linda Holland (Public Protection, Wiltshire Council), Tracy Daszkiewicz (Public Health Specialist), Mr N and Mrs D Dixon, Mr James Loudoun, (Relevant Representations), Mr Niam Ismali (on behalf of the Applicant), Christine Scrivens (Applicant representative), and Cllr Jeff Osborn.

1 Reconvening of Hearing

The hearings that commenced on 6 August and 1 September 2015 were reconvened. Councillor Trevor Carbin was nominated as Chairman at the meeting on 1 September and continued as Chairman for this meeting.

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" (Pages 5 - 11 of the Agenda refers).

3 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

4 Declarations of Interest

There were no interests declared.

5 Licensing Application

Application by *Mr Refki Ibsi* for a Premises Licence at 1 Bratton Road, Westbury, Wiltshire

The Licensing Officer reiterated the purpose and scope of the application, the premises to which it related and the key issues for consideration.

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

Key points raised by Christine Scrivens on behalf of the Applicant were:

- There was no proof that the picture of the rat (page 52 of Agenda papers) was as a result of the premises;
- Following works that have been carried out at the property the Applicant will say that the odours have now been eliminated and oil drums are now stored properly;
- Where the Applicant parks his car is not part of the application and he is not responsible for any accumulated rubbish in the area where he parks;
- The vibrations heard by the residents of the Castle have now been taken care of, although problems of this nature in this home were never mentioned before the application was lodged;
- The noise reading that was carried out from the bathroom of The Castle was not appropriate and should not be used as a substitute for the children's bedroom in a similar position. There are no soft furnishings within a bathroom to soften the noise and this reading should not be accepted;
- The noise level readings taken on 28 September were not supplied to us until 7 October and one of the noise consultants on the list supplied by the Council had a long turnaround time for works;
- An offer to reduce the hours of application for late night refreshment to 23:00 to 23:30 Sunday to Thursday and 23:00 to 01:00 Friday and Saturdays was put forward which were in line with The Olympia (another venue in Westbury that has a premises licence for late night refreshment); and
- The premises should be able to trade on a Sunday in line with the other premises in the area;

Key points raised by Damaris Broad (Environmental Health Officer) on behalf of the Responsible Authority (Environmental Control and Protection) were:

- A timeline of events since the adjourned hearing on 1 September was attached as Supplement (1) to the agenda and on 17 September we were advised that the relevant works had been carried out;
- On 30 September, Environmental Health Officers visited The Castle to take noise measurements and concluded that the noise is still a statutory nuisance and does not meet the criteria of the Abatement Notice;
- Notified on 28 October that Elite Kitchen Services were carrying out further work on the extraction;
- The bathroom at The Castle was used to take the readings as it was no appropriate to use the children's bedroom at the time the readings were taken as they were asleep;
- Although the readings taken on 28 October found that the noise levels were reduced, it still did not meet the requirements of the Abatement Notice; and
- Despite numerous requests, the residency times of the carbon filters had still not been received from the Applicant and as such the Abatement Notice for the odour issues was still in force.

Key points raised by those who made a Relevant Representation were:

Mr Loudoun -

- We have worked with the Applicants and allowed them to access our property to carry out works, etc. We would like to continue to work with them and ensure a resolution so that we can get on with our lives and live without the disturbances from the noise and odours from the premises;
- There was an incident when scaffolding was erected in my property without my permission and my wife and children were prevented by those acting on behalf of the Applicants from entering our property;
- An extension of the trading hours would cause further disturbance to myself and my family as staff from the premises are hanging around at the back of my premises and are smoking there;
- I would say that the odours have not reduced and there are two plastic containers of oil by my back gates at the present time that should not be there;

- The vibration has reduced and I thank the Applicants for that;
- I want to be able to enjoy my back garden and during the summer months. With the window open it is too noisy and it prevents us from sleeping and it is miserable for us.

Mrs Dixon

- The smell from the premises is still prevalent and it is a very pungent oily smell. In summer would could smell it in our house;
- We suffer from noise disturbance problems with the customers parking where they shouldn't be; and
- When planning permission for the premises was granted in 1992, restrictions were placed on the timings of the premises and this was imposed because of its location near to residential homes.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, those who made a Relevant Representation and Wiltshire Council Officers.

The Environmental Health Officer confirmed that until all relevant information regarding the carbon filters had been received that the Abatement Notice would still remain.

The Environmental Health Officer also confirmed that the bathroom in The Castle from which the noise readings were taken was slightly closer to the fan at the premises, but that the readings taken were still accurate and appropriate.

The Responsible Authority and those who had made Relevant Representations did not wish to add any further points in summation.

Summations points made by Christine Scrivens on behalf of the Applicant were:

- When the scaffolding was in the property of Mr Loudoun this was removed within a couple of minutes and Mrs Loudoun was able to access her property;
- The engineer employed by the Applicant advised there was no fat odour as the fan was clean;
- Aware that when Planning Permission was granted in 1992 that the premises was not able to trade after 23:00 or on a Sunday, but this is not in line with other premises and the business should be able to gain maximum revenue and trade as others do;

- The filter for the extraction system had not yet been installed as there had been a hold up with the manufacturers but it should be in place by the end of the week; and
- We say that had the noise readings been taken from the bedroom then the levels could have been 4 – 10 db less which would bring them within the acceptable levels.

The Chairman sought clarification on the differences between DEFRA and World Health Organisation levels.

The Senior Environmental Health Officer confirmed that the noise readings taken were in the same proximity and in his opinion were suitable and proportional readings.

The Sub Committee members sought clarification on some points before retiring 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 10:50am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.45am.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

No specific legal advice had been given, other than to clarify that the only relevant issues were those relating to the licensing application as applied for.

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:

Decision:

The decision of the Sub Committee is that the application by Mr Refki Ibsi for a Premises Licence at 1 Bratton Road, Westbury, Wiltshire, SN13 3EN be rejected.

Reasons for the Decision:

The Sub Committee considered that, at present, the operation of the premises for the provision of late night refreshment beyond 23:00 would prejudice the licensing objective of the prevention of public nuisance as there would be unacceptable levels of noise and odour which would affect the amenity of local residents.

The Sub Committee accepted that these are issues that may be able to be addressed by technical measures; however at present the measures in place are not adequate to prevent the unacceptable level of nuisance.

The hearing had been adjourned from 1 September to allow time for the Applicant to carry out works at the premises to address the concerns that had been raised by local residents and the Council's Environmental Control and Protection Officers relating to noise, odour and vibration. The Sub Committee accepted that the vibration issues had largely been resolved, but considered that insufficient steps had been taken to mitigate the effects of noise and odour arising from the operation of the premises.

The Sub Committee accepted the evidence of the Council's Environmental Control and Protection Officers that the levels of noise, as measured by them, were still unacceptably high and, as such constituted a public nuisance. They also accepted the evidence from both the local residents and the Council's Environmental Control and Protection Officers that the use of the premises as a hot food take-away produced levels of odour that were not adequately controlled at present, and which would be a nuisance to neighbouring residents if the premises were to operate beyond 23:00 hours.

The Sub Committee considered the offer to reduce the hours applied for but did not consider that this would sufficiently mitigate any of the concerns raised.

A number of other matters had been raised by the parties, both in writing and orally at the hearing. These included the storage of used cooking oil and other waste and allegations of unlawful parking. However, these were not considered to be relevant to the issue of whether a licence should be granted for the provision of late night refreshment.

The Sub Committee, therefore, concluded that rejection of the application was the only practical option and was one which was both proportionate and appropriate.

In reaching its decision, the Sub Committee took account of the representations, both oral and written, that had been made on behalf of the Applicant, together with those made on behalf of Wiltshire Council Environmental Control and Protection Team and those who made

Relevant Representations in objection to the application. The Sub Committee also took account of relevant Government guidance and the Council's licensing policy.

Right of Appeal

Any party has the right to appeal against this decision to a Magistrates' Court. Any appeal must be made to a Magistrates' Court within 21 days of the date of notification of this decision.

(Duration of meeting: 10.00am - 11.50am)

The Officer who has produced these minutes is Lisa Pullin,
lisa.pullin@wiltshire.gov.uk or tel -01225 713015, of Democratic Services

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 24 MAY 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE – FIELD TRIP FESTIVAL – POWWOW PRODUCTIONS LTD – GRANGE FARM, BRATTON ROAD, WEST ASHTON, TROWBRIDGE,

Present:

Cllr Desna Allen, Cllr Dennis Drewett and Cllr James Sheppard

Also Present:

Wiltshire Council

Teresa Bray (Public Protection Officer – Licensing)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant

Ryan Allcott
Jack Clink
Frank Fender (Solicitor)
Matthew Perrin
Mark Henninger

Those who made a Relevant Representation

Hugh Hancock
Michael Jones
Cllr Horace Prickett on behalf of Cllr Jerry Wickham

1 **Election of Chairman**

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

Resolved:

To elect Councillor Desna Allen as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

Cllr Dennis Drewett was substituting for Cllr Andrew Davis for this hearing.

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" (Pages 5 – 11 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application for a Premises Licence by Powwow Productions Limited in respect of Field Trip Festival, Grange Farm, Bratton Road, West Ashton, Trowbridge

Teresa Bray, Licensing Officer for Wiltshire Council introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

Teresa confirmed that a time limited Premises Licence was sought for licensable activities from Friday 26 August to Monday 29 August 2016.

During the consultation period 5 relevant representations were received. Four from local residents and one from the divisional Ward Councillor.

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 Frank Fender, Ryan Allcott, Matthew Perrin and Mark Henninger on behalf of the Applicants were:

- The time limited premises licence was being sought for a Festival. The Applicants ran a one day event at these premises last year and following its success wished to run a longer event over the August bank holiday weekend;
- The Field Trip Festival was very successful last year and there were no official complaints received following the event. Some of the profits from the event are donated to charity;
- As the event was going on over a number of days there would also be camping offered at this festival. It was intended that patrons stay for the duration of the event;
- The Applicants had attended Event Safety Advisory Group meetings where they had been given excellent advice by the Responsible Authorities and this had led to them being satisfied with the event management plan and not then feeling it necessary to make any representations;
- When the application for a one day Premises Licence was made last year the Parish Council made a relevant representation but they were pleased to note that they had not felt the need to object to this application;
- Looking at the representations received there is a general objection to the timing of this proposed event as it clashes with Edington Festival which is not a relevant consideration of the upholding of the licensing objectives;
- One of the objectors states that people will be effected in West Ashton by this event, but there have been no representations received from residents of West Ashton;
- The event was strictly for over 18's and has been advised accordingly. No one with children or who are under 18 would be admitted to the site and only a limited amount of alcohol was permitted to be brought into the camping area;
- Following the event, all litter would be cleared from the site and the immediate area; and

- The Edington Festival is 2.66 miles away from the Festival site and there is not a clash as it was completely different music genres at each event.

The Sub Committee asked the following questions of the Applicant:

Q Please could you confirm the order in which the outside stages will close down at the event?

A *On the Friday there will be no outdoor music playing. Music will commence outside on the Saturday at 12:00. Music on the outdoor stage will end at 23:00 and will continue on the main stage and stages 3 and 4 (all of which are within marquees) until 02:00 on Saturday and Sunday, but the volume will be significantly reduced after 23:00.*

Q Who has responsibility for the noise levels?

A *Matthew Henninger, who is a Noise Consultant and the Technical Production Manager for this event.*

Q Will he be in attendance at the festival?

A *Yes he will be in attendance during the event.*

Q The Event Management Plan says that the music will be going on to 02:00?

A *The outdoor stage will close at 23:00 and music will carry on until 02:00 in the 3 marquees but will be significantly reduced. We will be doing noise readings and the Event Management Plan is a “working” document so changes may have been made since its publication in the Agenda.*

Q You say that the music is carrying on in the bars after 02:00. Will this be inaudible?

A *We would say that music in the bar marquees will be inaudible off site at 02:00. We anticipate it to be 40-50db inside.*

Those who made relevant representations were given the opportunity to ask questions of the Applicant as follows:

Q When did you start planning for this event? We heard about it in March.

A *We were in discussions with the landowners at Grange Farm following last year’s event and have an on going agreement to hold events at this site.*

Q Why did you not liaise with anyone in the area when you were in the planning stages of this event?

A Teresa Bray (Licensing Officer) confirmed that there is no requirement for Applicants to consult until the application is submitted.

Q You say that the site was cleared of litter last year, but this was not done well and it was undertaken by our parishioners.

A *We did not receive any complaints from West Ashton Parish Council with regards to litter left behind.*

Key points raised by Hugh Hancock who made a Relevant Representation were:

- I am heavily involved in the Edington music festival and that is how I got to hear of this application. I made my representation before I saw the Event Management Plan and since I have had sight of it my concerns have multiplied. We have put up with previous festivals on this site and last time this was a one night event and those affected in West Ashton felt it was not worth bothering to complain after the event;
- If this event goes ahead there will be a potential threat to law and order and public safety. I am also concerned about the timing of this event over the August bank holiday weekend. It will ruin this weekend for those in West Ashton due to the increased noise and traffic and will impinge and damage the Edington Festival which started in the 1950's;
- I have some of the choristers staying with me during the Edington Festival and a number of other high level musicians would be staying in and around Edington and they will suffer noise and traffic nuisance;
- The main effects of this event will be on those living in West Ashton but they were not made aware of the event and the Parish Council did not have any meetings during the consultation period;

Clarification was sought and it was confirmed by the Licensing Officer that blue notices' advertising the application were displayed and the parish council were included in the 28 day consultation process. No complaints were received following the Field Trip Festival held on 12-13 September 2015.

- At the event last year the music was so loud that it made my front door rattle. Someone was monitoring the noise very close to my property and I informed him and he went to go and get the volume turned down and that was better;
- When I spoke to the resident at 1 Bratton Road (the nearest resident to the event site) I was told that the noise was audible during the night even behind closed double glazing – it was intrusive to those in West Ashton.

The community are already sensitive about the other events that have been held on the site;

- The traffic management plans are only really focussed on the traffic within the site and aspirations about routes to it. There is no mention of other road users and August bank holiday traffic is different to normal day to day traffic. Once in West Ashton where residents park in several places this results in single track roads;

The Chairman clarified that had the Police and Highways had concerns about traffic issues then they would have made a relevant representation. They had not done so.

- In the Event Management Plan it proposes promoting a car sharing scheme to reduce the number of vehicles but this is not mentioned on the festival website. Public transport is also mentioned but this option is not viable as it doesn't run on weekends and bank holidays. There is no public transport to and from the site;
- There is an EE phone mast on the site, but with the surge of use from those at the festival – this will affect the broadband capacity for those living locally;
- By inviting people for pre drinks on the Friday and for selling alcohol for 13 hours on day and for two lots of 17 hours you are creating a clear opportunity for binge drinking. These drunk people may then leave the site and wander into West Ashton causing public nuisance;
- The residents of West Ashton may not be able to stay in the area for the weekend due to the noise disturbance;
- The timing of this event is crucial there are other suitable venues in the County where this event could be held; and
- If this application is granted you should impose strict conditions and let us know how we can raise any concerns we have during the event, ensure that the noise is inaudible in our properties after 23:00. It would be more beneficial to start the event on the Saturday when it is much quieter on the roads.

Key points raised by Michael Jones who made a Relevant Representation were:

- I have been a resident of Edington for 45 years and involved in the Edington Festival for many years. This event is likely to have an adverse impact on our festival. There will be traffic nuisance with the large numbers of people arriving via car to the Field Trip event;

- There will be young people who are not always traffic aware walking between events in Edington and the increased traffic could be a potential hazard; and
- The noise from those using their in car entertainment at high volume who are approaching or leaving the event could also cause an interference as they drive through Edington.

Key points raised by Cllr Horace Prickett (on behalf of Cllr Jerry Wickham) who made a Relevant Representation were:

- There is mention in the EMP of a Horse Race – what is this?

Clarification was sought from the Applicants and it was confirmed that this was an administrative error and there is no horse race at the proposed event.

- In the EMP you refer to the ejection of people either intoxicated or under the influence of drugs and this would be into unlit country lanes which is a lack of duty of care to these people;
- In relation to the protection of children from harm you say that you do not allow under 18's on the site. What will happen if children are brought to the event, to the camping for example? What would happen in this situation is not documented;

Clarification was sought on the issue of admittance of those under 18 and the Applicants confirmed that this is a strictly over 18's event and those purchasing tickets would know that children will not be permitted onto the site.

There were no questions posed to those who had made a relevant representation and the parties were then given the opportunity to sum up their points.

Those who made a relevant representation did not wish to make any further points in summation.

Frank Fender of behalf of the Applicants made the following points in summation:

- It was proposed to carry out the same practice as last year, that when people arrive to the festival they are taken off of the road into a holding area and their details/tickets are checked so that queues move swiftly off the road and ease congestion;
- The Applicants did intend to go to a Parish Council meeting and address the issues but the meetings were cancelled;

- The application should be granted unless the Sub Committee is satisfied that the Licensing Objectives would not be met by the Applicants. There are sanctions that can be used if there are any breaches and the Applicants wished to carry out the event in a safe and enjoyable way to all;
- Weight should be given to the fact that there are no representations from Responsible Authorities; and
- Music would end at 23:00 on the outside stage and a contact number for anyone with concerns would be available at all times as it was at their last event. Please grant this application.

The Sub Committee then retired to consider the application at 11:45 and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The hearing reconvened at 14:00.

Resolved:

The Western Area Licensing Sub Committee resolved to GRANT a time limited Premises Licence to operate licensable activities from Friday 26 August 2016 to Monday 29 August 2016.

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music (In and Outdoors)	16:00 – 03:00 (the following morning)	Friday 26 August
Recorded music (In and Outdoors)	12:00 – 04:00 (the following morning)	Saturday 27 August
Performance of dance (In and Outdoors)	12:00 – 04:00 (the following morning)	Sunday 28 August
Anything of a similar description (In and Outdoors)		
Provision of late night refreshment (In and Outdoors)	23:00 – 05:00 (the following morning)	Friday 26 August
	23:00 – 05:00 (the following morning)	Saturday 27 August
	23:00 – 05:00 (the following morning)	Sunday 28 August

	following morning)	August
Sale by retail of alcohol (On the Premises)	14:00 – 03:00 (the following morning)	Friday 26 August
	11:00 – 04:00 (the following morning)	Saturday 27 August
	11:00 – 04:00 (the following morning)	Sunday 28 August

Subject to the following additional conditions:

1. The event is to operate at all times in accordance with the event management plan and noise management plan, as submitted, or as amended with the agreement of the Event Safety Advisory Group (ESAG); any changes to be approved by the Licensing Officer.
2. There is to be a contact telephone number provided to local residents and on the event website for the duration of the event. This shall be monitored at all times from 12:00 on Friday 26 August 2016 to 12:00 on Monday 29 August 2016 and appropriate action taken in response to any calls received.
3. All music from the Outdoor Stage will cease at 23:00 on each day.
4. The requirement for the removal of litter and waste from the site, as set out in paragraph 13.6 of the Event Management Plan, will also include removal of such waste from the highway and highway verge for 100 metres either side of all site entrances and exits.

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 noise from the event; the potential for traffic congestion (particularly given that the event was proposed to take place over the August Bank Holiday); the protection of children from harm; the potential for problems arising from excessive alcohol consumption and the perceived impact of the proposed event on the Edington Music Festival.

It was noted that a comprehensive Event Safety Management Plan, including a Noise Management Plan formed part of the application. As

part of the Plan the Applicants had agreed to provide a telephone contact for complaints. This was welcomed by the Sub Committee and they would expect the event managers to be easily contactable on the number to be provided. It was considered appropriate to include this as a condition to address the concerns that had been raised regarding noise nuisance.

The Applicants had indicated that it was their intention that all music on the open stage would cease by 23:00 on each day. The Sub Committee considered it appropriate to include this as a specific condition, given the increased risk of noise nuisance from an open stage.

The additional condition extending the scope of the requirement to clear litter and waste was considered appropriate to address the concerns of residents regarding litter from persons arriving and leaving the site.

Subject to the above additional conditions, the Sub Committee considered that the Event Management Plan was appropriate to promote the licensing objectives.

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 notice.

(Duration of meeting: Hearing – 10.30am – 11.45am
Break - 11.45am – 12.15pm
Deliberations – 12.15pm – 14.00pm
Announcement of Decision – 14.00pm – 14.05pm)

The Officer who has produced these minutes is Lisa Pullin, tel 01225 713015 or email lisa.pullin@wiltshire.gov.uk, of Democratic Services, direct line , e-mail

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 22 JUNE 2016 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE BY THREE DAGGERS (OPERATING) LTD FOR THE THREE DAGGERS, 47 WESTBURY ROAD, EDINGTON, WESTBURY

Present:

Cllr Desna Allen, Cllr Nick Blakemore and Cllr James Sheppard

Also Present:

Wiltshire Council

Jemma Price (Licensing Officer)
Lisa Pullin (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant

Robin Brown
Christian Goodwin

Those who made a Relevant Representation

Rachel Shepherd
Mr Shepherd on behalf of Mr and Mrs Russell

1 Election of Chairman

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

Resolved:

To elect Councillor James Sheppard as Chairman for this meeting only.

2 **Apologies for Absence/Substitutions**

There were no apologies.

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" (Pages 5 - 11 of the Agenda refers).

4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Declarations of Interest**

There were no interests declared.

6 **Licensing Application**

Application by Three Daggers Limited for a Variation of a Premises Licence at The Three Daggers, 47 Westbury Road, Edington, Westbury

Jemma Price, Licensing Officer for Wiltshire Council introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

Jemma confirmed that a variation was sought to extend the opening hours to 08:00 to 01:30 Monday to Sunday and to include the sale of alcohol outdoors Monday to Sunday 10:00 – 21:30 (10:00 – 23:00 to be permitted for the Music Brew Event, October Hop Fest and up to 4 other occasions in the year).

During the consultation period 4 relevant representations were received expressing their concerns about public nuisance.

Jemma confirmed that it was the Applicant's intention that no licensable activities would take place between 08:00 and 10:00 each day.

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 Robin Brown, General Manager on behalf of Three Daggers Limited were:

- The reason for the opening at 08:00 instead of 10:00 was to allow the Applicants to serve breakfast to non-residents;
- There was a new building outside of the premises and it was intended that this would be a BBQ and outdoor bar facility, this was due to increased trade and to take the pressure off the inside bar at busy period; and
- They intended to play low level background music outside and want to keep their neighbours and the village happy. They had never received any noise complaints.

The Sub Committee asked the following question of the Applicant:

Q You mention playing music, but isn't this already part of your existing licence?

A *Yes this is already part of our licence.*

Those who had made Relevant Representations (Mrs Shepherd and Mr Shepherd on behalf of Mr and Mrs Russell) were given the opportunity to ask questions:

Q You have included live and recorded music within your application (boxes e and f at part 4 on the form) – is that to be played outside?

A *Jemma Price, Licensing Officer confirmed to those present at the hearing that, as a result of changes to the Licensing Act which came into force in April 2015 a licence is not needed for live music that takes place between 08:00 and 23:00 when another licensable activity is taking place. What the Applicants have said that they intend to do is provide background music which is not a licensable activity. Boxes e and f on the application form were completed in error as these are now not licensable activities.*

Q Does that mean that the Applicants can have live and recorded music every day during these times? That you are applying for live and recorded music

A *Jemma Price confirmed that under the amended provisions of the Licensing Act they are allowed to play live or recorded music outside between the hours of 08:00 and 23:00. However, this should not cause a public nuisance and if it is too loud then the Environmental Health team could be asked to step in and sort out any problems.*

Q I live 200 yards away and when there is music outside I can hear it and the DJ announcements whilst in my house.

A *Jemma Price confirmed that Temporary Events Notices have been applied for for outside events – background music would not be at a level where you would be able to hear it in your property.*

- Q Have they applied for a Temporary Events Notice for Brewfest?
- A *Jemma Price responded and without checking records which were not available at the meeting she could not confirm if a TEN application had been submitted for Brewfest.*
- Q Will you be using the car park as a bar?
- A *If our beer bus is on site at busy periods we would open it up and situate it by the footpath, but on occasions it might be placed in a section of the car park as a back up.*
- Q Isn't having the beer bus and the sale of alcohol in the car park a potential hazard?
- A *If that was the case then the movement of traffic would be excluded from that area of the car park.*
- Q You have a fixed bar in your new building but the Planning Department have told you that you can only use this as a garden shelter store.
- A *Jemma Price confirmed that she had contacted the Planning Department to seek clarity on this and had been advised that one section of the building has to be used as a store only, but that the rest of the building could be used as the Applicant's wished.*
- Q Why do you need more bars? You also have a bar in the Brewery that could be used as an overflow.
- A *The Brewery is a working environment for 5/6/7 days a week depending how busy we are with the brewing. We do use the bar in the Brewery for a few limited or private events, but as I say in the daytime this is a working environment.*
- Q Why do you want to open early to serve breakfasts – can't you do this in your Farm Shop Café?
- A *We are also a three bedroom bed and breakfast and so have staff in serving up to 6 residents breakfast, with the staff already in, we would like to be able to utilise them and provide breakfasts for non-residents from 08:00.*
- Q You say you are going to open later outside for the two named events and up to four more – what is the nature of these events?

A *We will host the Music Brew and Hop Fest annually and the other 4 events given us the option to host a wedding or another village music event which we would not foresee going on longer than a weekend.*

Q Would you hold these events on a Bank Holiday weekend?

A *This is not likely, no.*

Q But you could hold events over a Bank Holiday weekend?

A *Yes we could.*

Jemma Price confirmed that any noise from the premises should not create a nuisance for neighbours even during permitted events and Environmental Health could deal with any problems that arise.

A *We won't have live music that often as we do not want to disturb our diners in the pub or those using our bed and breakfast accommodation. We are currently licenced to serve alcohol until 01:00 but generally close at 23:00. We are responsible to our patrons.*

Key points raised by Mrs Shepard and Mr Shepard (on behalf of Mr and Mrs Russell) who made a Relevant Representation were:

- If you sell alcohol outside there is an impact on us. The selling of alcohol is noisier than consumption. There were be an increased noise nuisance at the service areas outside;
- There should have been increased consultation between the Applicants and those that these changes will affect; and
- I think there should be a smaller number of outside events and limited use of outside bars.

The Applicant stated they had applied for the variation as their patrons have advised that they wish to have a drink with their children who are using the park outside and not be inside in a long queue at the bar. We are planning to run the BBQ when the weather allows and this would be complemented by the outside bar.

Mr Shepherd responded that when there is an event there will be an increased noise nuisance to them – if this was to be a small number of occasions this would be OK, but there is the potential to happen every bank holiday weekend and this worries me about ours and the village's quality of life.

Mr Shepherd made the following points in summation:

- If this change of licence is granted there will be an increase in noise and nuisance and this will impact on our life; and
- We do not know when the events might be coming up – they should be restricted as to when they can be held to allow for all of our enjoyment.

Mr Brown, Applicant made the following points in summation:

- We are trying to run a business but willing to work with our locals and neighbours – we would like to reassure them that we are responsible and will endeavour to keep noise to a minimum as this is in our interests too.

The Sub Committee then retired to consider the application at 11:05 and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The hearing reconvened at 11:45.

Resolved:

The Western Area Licensing Sub Committee has resolved to grant the variation of the Premises Licence in respect of The Three Daggers, 47 Westbury Road, Edington, Westbury, as applied for, subject to the four events (additional to the Hop Fest and Music Brew) per year during which the sale of alcohol is permitted outside until 23:00 hrs, not exceeding a period of 48 hours each.

Reasons:

The Sub Committee noted that some of the representations concerned the playing of live and recorded music within the outside areas at the premises. However, given the times that they would take place, these activities were now deregulated and were not, therefore licensable. However, they could still be subject to action under environmental health legislation, if they became a nuisance to neighbours.

The main concerns that fell to be considered by the Sub Committee were, therefore, those relating to noise from patrons using the proposed outside bars. It was argued by those who had made representations that noise levels arising from the sale of alcohol in the outside area were considerably louder than if that area was only being used for consumption.

However, bearing in mind that the sale of alcohol in the outside areas was to cease at 21:30 (other than for the limited number of special events) the Sub Committee did not consider it appropriate to refuse the variation or add any further conditions to the licence.

Therefore, having considered the written evidence presented in the agenda and the oral representations received at the hearing the Sub Committee concluded that the variation was acceptable and adequately met the licensing objectives with the added restriction on the maximum duration of the additional events (48 hours), for which the sale of alcohol outside could take place until 23:00 hours.

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: Hearing – 10.30am – 11.05am
Determination of Application – 11.05am – 11.45am
Announcement of Decision – 11.45 – 11.50am)

The Officer who has produced these minutes is Lisa Pullin, Tel 01225 713015 or email lisa.pullin@wiltshire.gov.uk, of Democratic Services

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 26 JULY 2016 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - FORESTERS ARMS, SANDRIDGE ROAD, MELKSHAM

Present:

Cllr Trevor Carbin, Cllr Ernie Clark and Cllr Peter Evans

Also Present:

Teresa Bray (Licensing Officer)
Jessica Croman (Democratic Services Officer)
Paul Taylor (Senior Solicitor)

Applicant

Karen Cochrane (Solicitor for Applicant)
Mrs Dempsey (Designated Premises Supervisor)
Mr Dempsey (Manager of the Forester's Arms)

1 Election of Chairman

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

Resolved:

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

2 Apologies for Absence/Substitutions

There were no apologies.

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” (Pages 1 – 6 of the Agenda refers).

4 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

It was noted that page 14 of the agenda contained an error. The variation to the licensable activity to provide late night refreshments is requested until 00:30 hrs and not 03:00 hrs.

5 Declarations of Interest

There were no interests declared.

6 Licensing Application

Application by Star Pubs and Bars Limited for a Variation of a Premises Licence at The Foresters Arms, Sandridge Road, Melksham, SN12 7BN.

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

It was confirmed that a variation was sought to extend the opening hours as follows:

Licensable Activity	Hours
Live Music (indoors only) Recorded Music (indoors only) Performance of dance (indoors only)	Sunday to Thursday 09.00 hrs – 23.00 hrs Friday & Saturday 09.00 hrs – 00.30 hrs (Next Day)
Late Night Refreshment (indoors only)	Friday & Saturday 23.00 hrs – 00.30 hrs (Next Day)
Supply of Alcohol (on and off the premises)	Sunday to Thursday 09.00 hrs – 23.00 hrs Friday & Saturday 09.00 hrs – 00.30 hrs

	(Next Day)
Hours premises are open to the public	Sunday to Thursday 09.00 hrs – 23.30 hrs Friday & Saturday 09.00 hrs – 01.00 hrs (Next Day)

During the consultation period 1 relevant representation was received expressing their concerns about noise from customers leaving the premises in the early 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 Karen Cochrane , Solicitor on behalf of Star Pubs and Bars Ltd were:

- Star Pubs and Bars Ltd would like an number of variations as outlined in the report to be able to provide breakfast and for some sporting events and functions.
- No representations had been made against opening earlier
- Requested that a number of conditions be removed which had been converted from the Public Entertainment Licence which were no longer necessary or appropriate as they were covered by existing primary legislation.
- Currently The Forester’s Arms host local competitions; by extending the hours they could ensure they remained a venue to support those competitions.

The Sub Committee asked the following question of the Applicant:

Q In 2007 an application was made to extend the hours for Christmas and Boxing day. Would these additional hours be superseded?

A No change to non standard hours

Q Would door security be present?

A Door staff are not currently used as there had never been any problems before. Although the applicant is happy to undertake a risk assessment when needed to identify if door staff would be required.

The Sub Committee then retired to consider the application at 10:19 and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The hearing reconvened at 10:38am.

Resolved:

The Western Area Licensing Sub Committee has resolved to grant the variation of the Premises Licence in respect of The Forester's Arms, Sandridge Road, Melksham, as applied for, Subject to an additional condition requiring risk assessments to be carried out prior to any live music or other special events to determine whether SIA door staff may be required.

The Sub-Committee agreed to the request to remove a number of conditions converted from the Public Entertainment Licence which they accepted are no longer necessary or appropriate. However, they decided that the condition requiring an incident log book to be maintained, should be kept on the licence.

Reasons:

The Sub Committee considered the variation application to be acceptable and that the additional conditions offered by the applicant would adequately address the concerns that had been raised regarding noise from persons leaving the premises.

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: 10.00 - 10.42 am)

The Officer who has produced these minutes is Jessica Croman, Tel 01225 718262 or email jessica.croman@wiltshire.gov.uk, of Democratic Services.

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

Update on the Licensing Service: September 2016

To give the Licensing Committee an update on the work of the Licensing Team.

Licensing Activity Festivals

The Licensing team inspected / carried out prevention visits to 40 festivals/ events during 2015 summer period, attending these events over a large number of weekends and evenings/ early mornings. The team were engaged in ensuring the safety of the public attending and staff working at the events. All events were risk rated to enable the service to prioritise higher risk rated events in 2016. Wiltshire is a popular venue for festivals, by early intervention and positive engagement we are seeking to guide and educate organisers around managing alcohol consumption levels, drug prevention, antisocial behaviour, and wellbeing of all at the event.

Prevention of harm is a key element when planning an event; Licensing Officers are involved in considerable pre event work guiding organisers in managing their own event to lessen the impact on the local community and emergency services of Wiltshire.

Events 2016

Licensing Officers have been actively engaging with organisers for events in 2016, with the most high profile events being Sir Elton John at Longleat in June and Womad in Charlton Park in July.

Following the risk rating of the festivals last year, the Licensing team have targeted its resources and focused on the events that are either high profile, have experienced issues previously or are new to Wiltshire. As with all our engagements with festival organisers and their staff, the focus is on a safe secure and enjoyable event for all, within sensible and responsible parameters. To date Licensing have attended 23 events, several requiring 2 or more visits.

Although the Sir Elton John event at Longleat experienced traffic issues , the organisers are keen to learn from the experience and held a very positive debrief with Licensing and Police traffic team to discuss a way forward.

Womad

This year's event was a success with over 35,000 attending (the weather was kind after 2015's really damp event) with no significant issues noted by the Licensing or Public Protection Teams that visited the site.

For 2016 there was a new arena layout, to enhance the visitor experience as most are repeat attendees, and the internal traffic management system was updated accordingly.

Smaller Events

A number of new events this year presented their own challenges both to organisers and the responsible authorities; Wiltshire attracted a diverse range of events from civil war re-enactments, street fayres to 4 days of drum and base music in a rural location. Still planned for this year are carnivals, Christmas markets, Christmas lights switch on and a world record attempt at the largest nativity play.

Engagement Event

Licensing is planning to hold an engagement event next year for both existing and potential new events to Wiltshire, offering peer learning from well-established events and giving organisers guidance from a number of key organisations and partners.

Partnership Working

This year licensing has been working with Tom Ward Public Health Specialist alcohol and drugs misuse, with an aim to enable WSMS (Wiltshire Substance Misuse Service) to build links with festival organisers (from street fayres, folk festival, mini and large scale events) so far this year the WSMS has attended five events and offered relevant prevention messages, and support to attendees of events. They have been received very positively with good outcomes.

Licensing Applications

To give the Committee an update on the work of the Licensing Team, detailed in the table below are some the Licensing Applications from 1 January – 31st August 2016.

Since July 2016 we are now able to offer online payment for Licensing Act 2003 annual fees.

Licence Applications Jan – August 2015 & 2016

Year comparison	2016	2015
Temporary Events Notices	1173	1171
Late Temporary Events Notices	245	259
Licensing Applications (New /variation/minor variation/Variation of DPS)	566	560
Personal Licences	278	259
Gambling Permits (Gaming Machines)	28	25

Hearings

This year to date we have held 9 licensing hearings down two on last year for the same period.

Licensed Trade Event

The Licensing team is hosting three trade seminars in September and October offering free advice and guidance to the trade. The event is being run to support the important role businesses have in their local communities whilst highlighting evolving changes and best practices.

The seminars will include speakers from a variety of organisations and partner agencies: National Pub watch, Gambling Commission, Public Health, Dorset and Wiltshire Fire Service, Child Sexual Exploitation. There will be numerous stands including the immigration service, Trading Standards, Licensing , Pest Control, Street Pastors etc all providing information and answering questions and concerns.

County Hall, Trowbridge	26 September	6pm to 9pm
Five Rivers Campus, Salisbury	13 October	10am to 2pm
Lime Kiln Leisure Centre, Royal Wotton Bassett	28 October	3pm to 6pm

Conclusion

The Licensing function continues to develop within Wiltshire Council. The core activity of supporting the licensing process has shown year on year improvement. There is also now a greater focus on preventing harm, following the movement of the team to work more closely with Public Health.

This emphasis towards Prevention of Harm and the proactive work undertaken by the team is to ensure safe environments for people to enjoying the various Licensable activities across the county.

The Licensing Committee are asked to note the above update.

**Linda Holland
Licensing Manager
5 September 2016**

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BRIEFING NOTE

Introduction of Public Spaces Protection Orders

1. Purpose of Briefing Note

- 1.1 To provide background information regarding changes to the legislation, affecting Designated Public Places Orders.

2. Introduction of Public Spaces Protection Orders

- 2.1 In October 2014 saw the introduction of the Public Spaces Protection Orders (PSPO), under the Anti-Social Behaviour, Crime and Policing Act, this change requires all current Designated Public Places Orders (DPPO) to be replaced by a PSPO by October 2017.
- 2.2 Wiltshire currently has DPPO's in eight towns across the county; a DPPO creates an offence when a person refuses to stop drinking alcohol when asked to do so by a PC or PCSO. The grounds to request this is that the continuing of drinking is likely to lead to crime or disorder. The offence is punishable with up to a £500 fine.
- 2.3 The first PSPO order to be considered is the one covering Trowbridge, as analysis of reports from December 2014 to November 2015 found 758 alcohol related incidents and 63 related to urinating and defecating in public. A multiagency meeting including decided the order was required.
- 2.4 A public consultation seeking views on the proposed order ran from 18th March 2016 – 15th April 2016, this consultation response coupled with a Police report of increased alcohol related issues within the town shaped the order is proposed.
- 2.5 The finalised order was made by legal and notarised in line with the legislative requirements, and a copy will now be sent to the Secretary of State (Home Office).
- 2.6 The order will now be advertised in local press before going live. Appropriate signage (an example of which can be found in attached will be produced and displayed within the PSPO area. There will then be a 6 week appeals window that anyone who lives, work or visits the area can make via the high court. However, we are satisfied that the wide ranging consultation which included a public notice, signs within the town and the use of social media was all encompassing and responses views have been taken into account.
- 2.7 A Breach of a PSPO is punishable by fine of up to £500 for a breach of the alcohol condition or £1000 for breach of the urinating/ defecating condition. This structure is dictated by the primary legislation. However, the legislation also allows for the use of a fixed penalty notice fining up to a £100.

- 2.8 Currently awaiting signage costs which the Town Council have agreed to assist with.
- 2.9 The new order will allow for the Police to confiscate alcohol and when needed deal robustly with individuals as required.
- 2.10 It has also been recognised that some of those who do drink continually within public areas have their own vulnerabilities. To assist with these issues a second working group concerned with working with the voluntary sector to engage with this population has been set up. The group will look to launch their working with the vulnerable people of the drinking groups with a day of action aimed at offering assistance and support.
- 2.11 The new PSPO will last for up to 3 years and allows for wider measures to be considered as driven by local need. Police data was used to decide on the conditions to be contained within the PSPO.
- 2.12 The PSPO is required to effectively tackle on street drinking and the associated harms to the individual but also to the effect on the wider public.
- 2.13 The order is made for 3 years, at which point the PSPO will be evaluated and a decision on application and any amends will be made based on the issues suffered by the town over the past 3 years.

The Licensing Committee is asked to note the above update.

Prepared by: Tom Ward, Public Health Specialist – Substance Misuse and Community Safety

September 2016

Wiltshire Council

Licensing Committee

19 September 2016

Statement of Gambling Principles

Summary

This report sets out proposals for a new appendix to be added to Wiltshire Council's Statement of Principles on the Gambling Act 2005 on Local Risk Assessments, following consultation, and seeks the Committee's approval of that Appendix for submission to Council.

Proposal(s)

It is recommended:

1. That the Licensing Committee note the consultation that has been undertaken with regards to a new Appendix A to be added to the Council's Statement of Principles on the Gambling Act 2005 in respect of Local Area Risk Assessments.
2. That the Licensing Committee commends Appendix A – Local Area Risk Assessment, attached as Appendix 1 to this report, in relation to the Gambling Act 2005 to Full Council for approval at its next available meeting.

Reason for Proposal

As of 6 April 2016 it is necessary for all gambling premises to conduct a local area risk assessment. The appendix to the Council's Statement of Principles is to provide guidance for the premises on how to complete an assessment document to meet the expectations of the Local Authority.

Maggie Rae
Corporate Director

Wiltshire Council

Licensing Committee

19 September 2016

Statement of Gambling Principles – Update

Purpose of Report

1. To ask the Licensing Committee to note the consultation undertaken in regard to the proposed appendix to Wiltshire Council's Statement of Principles, Appendix A – Local Risk Assessment (in relation to the Gambling Act 2005).

That the Licensing Committee commends the appendix to Wiltshire Council's Statement of Principles (Appendix A – Local Risk Assessment) in relation to the Gambling Act 2005 to Full Council, for approval at its next meeting.

Relevance to the Council's Business Plan

2. "Communities in Wiltshire work together to solve problems locally and participate in decisions that affects them".

"Communities are as protected from harm as possible and feel safe".

Main Considerations for the Council

3. It is a statutory requirement that the Statement of Gambling Principles, and any appendix or substantive change must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

Background

4. Social responsibility is an important element for the Statement of Gambling Principles. As of 6 April 2016 licensed gambling premises were required to complete a Local Area Risk assessment to consider how their premises impacted the local community.

Wiltshire Council's Statement of Gambling Principles came into effect in November 2015. In Section 3.4 of the Council's Statement of Gambling Principles there were two paragraphs (as below) that mentioned in basic terms the new necessity for premises to have local area risk assessments, however at that time there was limited guidance on how these should be done.

“3.4 Social Responsibilities (Comes into force on 6 April 2016)

3.4 (a) Assessing Local Risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

- 1*** Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
- 2*** Licensees must review (and update as necessary) their local risk assessments:
 - a*** to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b*** when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c*** when applying for a variation of a premises licence; and
 - d*** in any case, undertake a local risk assessment when applying for a new premises licence.

3.4 (b) Sharing Local Risk Assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

- 1*** Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

Wiltshire Council Licensing Authority decided to provide local businesses with further guidance on how to complete the risk assessments and to assist them with the areas that would be expected to be covered within the risk assessment. The expectation is that each individual premises would assess what impact it was having on the community in which it was located and what measures it could put in place to mitigate the risks and promote the licensing objectives;

- *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,*
- *Ensuring that gambling is conducted in a fair and open way,*
- *Protecting children and other vulnerable persons from being harmed or exploited by gambling.”*

5.1 Our appendix mirrors that of other authorities in relation to areas covered due to the nature of materials available. When drafting this local area risk assessment appendix for local gambling premises we considered the differing demographics of Wiltshire and considered the varying impacts on local businesses and communities.

Consultation

6. Consultation period: July 2016 – August 2016

6.1 List of Consultees included:-

- The Gambling Commission
- Wiltshire Police
- HM Revenue and Customs
- Coral Racing
- Betfred
- William Hill
- Ladbrokes
- Stan James
- All independent licensed gambling premises in Wiltshire

6.2 All consultees named above have received a full copy of the draft Appendix A – Local Area Risk Assessments.

6.3 Following legal advice, it was not deemed necessary for this to be a public consultation.

6.4 There were no responses received from the consultation.

Safeguarding Implications

7. One of the key objectives of the Gambling Act 2005 is 'The Protection of Children from Harm'; Wiltshire Council's Children's Services Department has been designated as the Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

8. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.

Environmental and Climate Change Considerations

9. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

10. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Risk Assessment

11. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it may leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Gambling Act 2005.

Risks that may arise if the proposed decision and related work is not taken

12. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

13. There are no particular risks identified from any of the proposals.

Financial Implications

14. There are no additional financial implications of the proposals contained within this report.

Legal Implications

15. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles and any amendments or additions to it, must be approved by Full Council.

Proposal

16. That Members of the Licensing Committee note the consultation that has been undertaken with regards to Appendix A – Local Area Risk Assessment.
17. That the Licensing Committee commends Appendix A – Local Area Risk Assessment, attached as Appendix 1 to this report, in relation to the Gambling Act 2005 to Full Council for approval at its next available meeting and incorporation into the existing Statement of Gambling Principles.

Reason for Proposal

18. As of 6 April 2016 it is necessary for all gambling premises to conduct a local area risk assessment. The appendix is to provide guidance for the premises on how to complete an assessment document to meet the expectations of the Local Authority.

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30 August 2016

Background Papers

- Gambling Act 2005
- Gambling Commissions Strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5th Edition
- Wiltshire Council's Current Gambling Statement of Principles

Appendix 1 - Appendix A – Local Risk Assessment

Wiltshire Council

Gambling Act 2005

Statement of Principles

2015 – 2018

**Appendix A – Local Risk
Assessment**

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6.6 Control Assessment

1.0 Introduction

As of the 6th April 2016 it will be a requirement for all Gambling Operators to have a completed local risk assessment for each of their Gambling Premises. Under the Gambling Commission's Social Responsibility Code they will need to take into consideration the likely harm their premises could have to the local community in their local area, and consider that in relation to the Licensing Objectives. There is an expectation that policies and procedures are put in place at the gambling premises to diminish the risks identified in the assessment.

Premises that require a local risk assessment are; Adult Gaming Centres / Family Entertainment Centres / Non-remote Betting (Betting Shops) / Non-remote Bingo / Non-remote Casinos / Remote Betting Intermediary (trading room only).

2.0 Risk Assessment Triggers

During the lifetime of gambling premises there may be times when the risk assessment needs to be reviewed and amended following the initial risk assessment. As required from 6th April 2016 the Gambling Operators' responsibility to conduct this review at regular intervals or following certain prompts, such as; a variation of a premises licence, when a significant change has occurred in the local area, when the licensee has made a significant change to the premises that would impact the risk the premises could pose or that may vary the management of those risks. A significant change could be a temporary change however despite the temporary nature of the change the risk assessment would need to be amended accordingly. The Licensing Authority may also request a review of a risk assessment if it is felt necessary.

The Licensing Authority will not request an up to date risk assessment each time it is reviewed by the Operator, unless it forms part of the variation application, however it would be considered best practice by the Licensing Authority if an Operator shared their risk assessment if asked.

The risk assessment provided by the Gambling Operator should clearly state the present areas of concern at the premises and the measures introduced to counteract these. If completed diligently and comprehensively, this would assist both the premises and Local Authority by reducing the concerns that the Local Authority may have regarding a premises, and therefore reduce the potential times that a premises needs to be considered for review or requires conditions imposed upon it.

2.1 New premises

When a new premises licence application is submitted to the Licensing Authority, under section 159 of the Gambling Act 2005, the applicant must conduct a local risk assessment for the premises. It is expected that this is provided with the application upon submission. It must take into consideration how the applicants are intending to operate their business at the premises within the local area.

2.2 Variation of the premises licence

In order to modify authorised activities, amend the conditions of the licence, or change some other detail, Licence Holders may apply to Wiltshire Council Licensing Authority under section 187 of the Gambling Act 2005 for a variation to their licence. A licence may not be varied so that it relates to a different premise.

When a variation application is submitted to Wiltshire Council Licensing Authority an amended local risk assessment would be required to be submitted along with the application.

2.3 Significant changes in local circumstances

Changes occur in the local area regularly; these can be permanent or temporary. A review of the risk assessment would be required if there was a significant change in the local circumstances, regardless of whether it be temporary or permanent. Permanent changes would have more of a significant impact to the area compared to a temporary change.

Wiltshire Council Licensing Authority would consider the following to be significant changes in local circumstances (this list is not exhaustive):

- Any building developments or conversions in the local area that would change the number of people visiting the area and the makeup of those people.
- Any new housing developments being built in the area, consideration may wish to be taken as to whether any social housing or help to buy schemes are in the development.
- Any increase or decrease in Military accommodation, facilities or training centres in the area.
- Any educational facilities in the area or the building of new facilities whether it be a significant extension or conversion of a current school/college etc. or a new build.
- Any changes to the local provisions of public transport;
 - Change in location of bus stops;
 - Changes to timings of buses or train services for example services going later into the evening;
 - Changes to the type of services in the area for example school bus stop being moved in closer proximity to gambling premises.
- Any changes to the location of taxi ranks in the area.
- Road diversions which involve the re direction of traffic.
- Other gambling premises in the area or new gambling premises seeking permission to open in an area.
- Any current pawn brokers or pay day loan businesses in the area or the opening of a new facility.
- Any facilities for vulnerable groups or the development of facilities for vulnerable groups in close proximity to a gambling premises i.e. mental health care/support facilities, specialist hospitals, addiction facilities, homeless hostels/care/support facilities.

- If the Local Police Authority has identified a local area as being a crime hot spot.
- If the Local Police Authority has experienced an increased crime rate over a period of time in a specific local area.

It is the responsibility of the Gambling Operator to identify the changes that have occurred in their local area and make changes to their risk assessment as necessary however the Licensing Authority may provide information to Gambling Operators if it becomes aware of a significant change to the local area that it feels could have a considerable impact.

2.4 Significant changes to the premises

During the lifetime of a premise it is highly likely that cosmetic improvements will take place, it is probable that these will not have a bearing on the risk assessment. It would be up to the Gambling Operator to decide whether the changes they are undertaking in their premises would be classed as significant. If it is identified as a significant change, the local risk assessment for the premises would need to be amended to take into consideration the impact the change has had.

Wiltshire Council Licensing Authority would consider the following to be significant changes to a premise, some changes could result in the need for a variation to the premises licence (this list is not exhaustive):

- A refurbishment of a premises or building works in a premises that would result in the relocation of the facilities.
- A change to the entrances or exits of a premises;
 - Location of the entrances or exits,
 - Change in the direction the doors open,
 - Change in the way round the doors are used i.e. a swap of an entrance to become an exit or vice versa.
 - Change in the material used to make the door.
- A change to the internal policies or procedures of the Operator which could result in the need to amendments of control measures and/or staff retraining.
- A change to the levels of staff in the premises or the opening times of the premises.
- An application for a Premises Licence under the Licensing Act 2003 to increase the activities at a premises for example a licence for the sale of alcohol or adult entertainment at the premises.
- A difference in the gambling facilities that are available at a premises;
 - Increase or decrease in self service machines,
 - The use of hand held gaming devices,
 - Different category of gaming machines.
- The transfer of a licence to a different Gambling Operator, amendments to the local risk assessment will need to take into consideration the policies and procedures of the new Operator and the differences in the way the business are run.

3.0 Local Risk factors

3.1 Local area risks

There are many aspects to a local area that a Gambling Operator may regard as pertinent when completing/reviewing the risk assessment. It is essential that the Gambling Operator understand their local area and the makeup of those who frequent it, for example, it may be a predominately residential area or the area could consist of mostly offices and shops. The sphere of influence of the premises also needs to be considered when looking at the risk assessment as this could increase a local area.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Makeup of the local area surrounding the gambling premises;
 - Residential/Commercial,
 - Other Gambling Operators in the area,
 - Large scale events held in the area that could increase the number of people or vary the makeup of population for a time.
- Demographic of population;
 - Residents/Workers/Visitors,
 - Professionals/Families/Young or Ageing population,
 - Ethnicity and/or culture in specific area,
 - Socio-economic make up of the area.
- Facilities in the local area;
 - Transport and parking facilities i.e. bus stops, taxi ranks, train station,
 - Educational,
 - Community buildings,
 - Hospitals/Doctors Surgery's,
 - Mental Health Facilities,
 - Job Centres,
 - Children's Homes or Care facilities,
 - Specialised housing for vulnerable people,
 - Gambling addiction support facilities,
 - Hostels or support services for the homeless,
 - Alcohol or Drug support facilities,
 - Pawn brokers or pay day loan businesses,
 - Places of Worship,
 - Other Gambling Premises.
- The area is frequented by children or young people at varying times of day.
- Presence of rough sleepers.
- Unemployment rates for the area and within a certain age group.
- Type and rates of crime in the area that could impact the premises.
- High number of people who have self excluded themselves from other gambling premises.

3.2 Gambling operational risks

The risks associated with the gambling operation relate to the policies and procedures the business has in place for the premises. These should take into consideration legislation from the Gambling Act 2005 and guidance submitted by the Gambling Commission (Licenses Conditions and Codes of Practices). Any risks connected with the policies and procedures of a business are likely to be similar for a number of premises due to the nature of such documents; however it is important that they are considered on an individual premises basis as it can directly impact the mitigation measures that need to be put in place at that premise. The type of measures put in place could vary depending upon the size of the gambling organisation and premises.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Hours of operation for a premise, the possible impact of this in the night time economy.
- Staffing;
 - Number of staff employed at a premises at any one time,
 - Training provided to staff especially regarding vulnerable groups,
 - Lone working policy.
- The operation of the gambling business;
 - Policies and Procedures,
 - Use of account/loyalty cards,
 - Support provided to customers, any intervention programmes,
 - Security provision in place at the premises,
 - How the Gambling Operator intends to conduct its business.
- What local advertising will take place for the premise?
- What products and facilities the premises are going to provide for gambling.
- Information provided by the Operator within the premises.

3.3 Premises design risks

The design of a premise can assist greatly in the Operators' ability to manage identified local risks. Lack of planning in layout and design can actually result in an increase in risks at a premise or within the community. This could mean that the mitigation of risks associated with significant changes at a premise may not be able to be as thorough as possible. Any significant changes could result in the need for a variation of the premises licence.

3.3.1 Interior design risks

Internal layout of a premise is a very important factor when considering the risk assessment. Depending upon the type of gambling premises and facilities they offer, a simple design of the internal area can lessen a number of risks and offer the premises vital opportunities to better manage their business.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Position of internal CCTV cameras, the length of which recordings are kept.
- Use of mirrors in a premises to be able to view all areas of the premises and around obstructions, such as support pillars, machines or advertising screens.
- Positioning of gaming activities in the premises.
- The segregation of different gambling activities in the premises.
- Design of premises to allow gaming machines to be in line of sight of staff.
- Location of the staff area where money is taken for gambling activities.
- Distances between gambling facilities within a premises, i.e. gaming tables.
- Number of and locations of Cash Machines.
- The location of information displayed in the premises by the Operator.
- The location and use of marketing materials within the premises.
- Fixtures and fittings used in the premises.

3.3.2 Exterior design risks

The external area of a premise can offer the Operator valuable advertising; however this could have a negative impact to the local area or cause concerns with regards to the Licensing Objectives. The design and frontage of the premises should therefore be considered in the risk assessment.

The list below shows some examples that may wish to be considered (this list is not exhaustive);

- Use of glass in the shop frontage, it may be necessary for this to be toughened glass to assist the premises in the prevention of crime.
- The use of shutters on the entrances/exits or window frontage.
- Use of external CCTV cameras covering entrances/exits.
- Use of high quality CCTV to enable identification of banned persons.
- Use of CCTV or other aids i.e. mirrors to allow staff to be able to see those entering or exiting the premises.
- Fitting screens or other materials to obscure the view from the street into the premises to prevent vulnerable persons having sight of the gambling activities.
- Use of advertising/marketing materials, the number and nature of those viewable externally to ensure appropriate content.

Mitigation of risks for design and layout of a premise could result in the need for works to be completed at the premises to make positive alterations. Depending upon the changes required a variation may need to be submitted.

4.0 Control measures

When risks are identified, control measures should be thought-out and put in place to lessen the potential impact the risk will have. The level of the risks identified will directly impact what type of control measures should be put in place; some risks may require a combination of systems, design and physical measures. Dependant on the measures put in place a Gambling Operator needs to ensure that staff are aware of those measures and are trained adequately to guarantee compliance with the conditions and control measures. Records may be kept by the Operator in relation to this as part of their due diligence defence.

4.1 Systems

When looking at systems as a control measure, reference is made to the policies and procedures established at the premises by the Gambling Operator. Some of the systems put in place will be specific to the company and therefore generic to all premises held by them, however others may be created purposely for an individual premises in order to alleviate the risks in that local area. These could include staff training, any security policies which might involve the need for a premise to have security on entrances, or whether the premises were going to have a membership scheme.

4.2 Design

Identified risks can be mitigated by being built into the design of a premises; the location of certain facilities such as gaming machines, cashier counters, positioning of cameras and general layout can have a bearing on risk. Internal and External factors can be tailored to each individual site, the same company may have a number of stores however each have a different layout and design due to the local risks.

- Internal
 - Location of gaming machines
 - Location of cashier counters
- External
 - Glass frontage to assist in staff being able to view outside
 - Reduced glass frontage to reduce advertising space

4.3 Physical

Physical measures can be used to address an identified risk factor, these could be;

- Intruder Alarm System
- Panic Alarm System
- CCTV cameras
- Mirrors
- Window and Door Shutters
- Security Doors

- Safes with time locks
- UV lights in toilets
- Lighting in all areas of premises (not to allow any dark corners)

4.4 Licence conditions

New Premises Applications and Variations of Applications will require a local risk assessment to be submitted as part of the application. Any control measures stated within the risk assessments may form part of the conditions on a gambling licence.

The Licensing Authority, according to its Statement of Gambling Principles 2015 – 2018, has stated that any conditions attached to licences will be proportionate and will be:-

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

5.0 Local Area Profile

Wiltshire Council Licensing Authority can provide a profile of the Local Area to a Gambling Operator upon written request within 28 days.

The profile will include a map of the area with key features in the immediate vicinity will be marked out, for example; housing areas, hospitals, mental health facilities, schools and higher education buildings, residential housing areas, community groups.

Any concerns that the Local Authority have in an area will be clearly stated and the level of risk each possess will be shared with the Gambling Operator. Other partner agencies and council departments will also be consulted on the profile so that they can feed in any concerns they may have in relation to a particular area.

Local Area Profiles that have been requested will be reviewed periodically by the Licensing Authority alongside partner agencies and if any changes have occurred or will be due to occur, these will be re circulated.

6.0 Undertaking a local risk assessment

The local risk assessment would need to be carried out methodically at a gambling premise to ensure that it has considered all the possible risks thoroughly. It should first consider the risks associated with the local area, and then those in relation to the gambling operation and finally those risks associated with the design of the premises both internally and externally. When the risks have been identified, appropriate control measures proportionate to the risks should be considered and implemented. Some of the control measures may already be in place as part of the policies or procedures of the business however both the risks and the control measures should be documented within the assessment. It would also be beneficial to include who would be responsible for putting into operation the control measures and recording when they have been completed.

If the Operator of the premises has requested a Local Area Profile from the Local Licensing Authority the contents of the profile should be considered within the assessment. For a premises that borders two Authorities both Local Area Profiles should be considered and documented in the assessment making reference to all risk factors stated in both profiles.

6.1 Who should undertake the assessment?

The Gambling Operator is responsible for authorising the completion of the local risk assessment. They can either complete it themselves or they can delegate the responsibility to a competent assessor. If the local risk assessment is not completed thoroughly it could result in the Operator breaching the provisions of the Licences Conditions and Codes of Practices submitted by the Gambling Commission. Whoever is tasked with the completion of the document must have an understanding of; the business and how they currently operate or intend on operating; the local area where the premises is situated and its design. Information on these topics can be sought from employees of the premises or other reliable sources.

6.2 Step 1: The local area

For the Operator to be able to correctly identify the local risk factors relating to the premises it first must understand what makes up the local area. Certain gambling premises may have a larger sphere of influence than others therefore the local area could be larger than first thought for certain premises. Within this document there is a list of factors an assessor may wish to consider when looking to identify local risks (3.0 Local Area Risks). The assessor may feel that they would benefit from requesting a Local Area Profile from the Local Authority in order to complete this part of the assessment.

6.3 Step 2: The gambling operation

For this section of the assessment, the assessor will need to look at the Gambling Operators' policies and procedures and decide whether these procedures;

- a) result in a risk at the premises based on the local area, or
- b) mitigate risk already identified in the local area and therefore could be used as a control measure.

6.4 Step 3: The design of the premises

As stated in the 3.3 (Premises Design Risks) of this document the design of a premise can assist greatly in the Operators' ability to mitigate and manage identified local risks. It is important that the assessor looks at the risks of both the internal and external design and that these are considered with reference to the local risks already recognised.

6.5 Step 4: Control measures

When all the risk factors have been acknowledged, the assessor will need to ascertain suitable and appropriate control measures to mitigate the risks identified. The four categories of control measures, systems, design, physical and licence conditions (as stated in 4.0 Control Measures) should be considered. For some risks it may be that a combination of control measures are needed to neutralise the risk identified.

6.6 Completed assessment

Once the risk assessment has been completed and the control measures documented it is important that they are then put into practise at the premises. This may involve changes to the layout or design, staff training or changes in procedures. When they have been actioned this should also be documented on the risk assessment. A copy of the risk assessment should then be kept on the premises and reviewed regularly regardless of whether one of the triggers stated in 2.0 Risk Assessment Triggers are being met.