

## DECISION NOTICE

### Western Area Licensing Sub Committee

Decision made on 9 July 2018

### Application for a Variation of a Premises Licence in respect of The Toast Office, 116 Top Lane, Whitley, Melksham, Wiltshire

#### Decision:

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

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Add - Live music (indoors)	09:00 – 00:00	Mon – Sun
Live music (outdoors)	09:00 – 23:00	Mon – Sun
	09:00 – 02:00	Christmas Eve & New Year's Eve
Add - Provision of late night refreshment (indoors and outdoors)	23.00 – 00.00	Mon - Sun
	23:00 – 02:00	Christmas Eve & New Year's Eve
Add - Sale by retail of alcohol to include on sales as well as off sales and <u>amend</u> hours to be	06.00 – 00.00	Mon – Sun
	06:00 – 02:00	Christmas Eve & New Year's Eve
Amend – Opening hours	06:00 00:00	Mon – Sun
	06:00 – 02:30	Christmas Eve & New Year's Eve

## **Reasons**

After taking into account the written representations from all parties and the oral submissions received from the Applicant at the hearing, the Sub Committee considered the concerns raised in writing by Melksham Without Parish Council regarding the application and the merits of the application. Those concerns related to the perceived public nuisance arising from noise from late night music on the premises after 23:00 if the hours were extended to midnight. Concerns were also raised about the potential noise arising from the provision of on sale alcohol to 00:00. The issues raised by the Parish Council concerning parking and traffic do not address the Licensing Objectives.

The Sub Committee noted that the Applicant wished to have flexibility while he built up the business. The Applicant had completed his personal licence holder training and had carried out further training with a licensing training company. The Sub Committee further noted that the Applicant would undertake noise monitoring during live events.

The Sub Committee considered it was appropriate to restrict the live music outdoors until 23:00 Monday to Sundays and as offered by the Applicant.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

## **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of Section 51 of the Licensing Act 2003.