

NORTHERN AREA LICENSING SUB-COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB-COMMITTEE MEETING HELD ON 8 JUNE 2010 AT MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Rod Eaton and Cllr Bill Moss

Also Present:

Mr Roger Hodgkinson – Solicitor, Wiltshire Council
Mrs Linda Holland – Licensing Enforcement Officer, Wiltshire Council
Ms Anna Thurman – Democratic Services Officer, Wiltshire Council
Ms Pam Denton – Senior Democratic Officer, Wiltshire Council
Mr Freeman - Applicant

12. **Election of Chairman**

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

Resolved:

To elect Councillor Bill Moss as Chairman for this meeting only.

13. **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 refer). All those present at the meeting introduced themselves.

14. **Chairman's Announcements**

There were none.

15. **Members' Interests**

There were no declarations of interest.

16. **Licensing Application**

Application by Mr and Mrs Freeman, to Vary the Premises License for Prince of Wales, Coped hall, Wootton Bassett.

The Licensing Officer introduced her report to the Committee.

In accordance with the procedure detailed in the agenda the applicant was given the opportunity to address the Sub Committee.

The Sub Committee members had the opportunity to question the applicant.

The Sub Committee retired to consider the application accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

Key points raised were;

- Mr Freeman's wish to have flexibility within the licence, but this would not be required on a regular basis.
- Mr Freeman's statement that the business of the pub was directed towards a clientele base that was aged 35 plus.
- Late night refreshment would take place indoors, with patio doors shut, to minimise noise levels and disturbance.
- Mr Freeman's willingness to negotiate and offer of his telephone number to local residents to report to him directly if any noise nuisance should occur.

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

1. The Sub Committee is required to consider the evidence before them and decide if, on that basis, there is a real possibility of any of the Licensing Objectives being undermined.
2. That a license may be limited in time but limits must support licensing objectives.
3. Conditions must be achievable i.e. within the extent of the licensee and enforceable.

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 by Mr and Mrs Freeman for the variation of the premises licence under the Licensing Act 2003 in respect of Prince of

Wales, Coped Hall, Wootton Bassett, be granted subject to the following conditions:

- 1. That when music or entertainment is taking place in the 'trade area' the double doors opening onto the outside drinking area should remain closed after 11.00pm**
- 2. The mandatory conditions contained in the Licensing Act 2003**
- 3. Additional conditions, consistent with the Applicant's Operating Schedule**

as follows:

Reason

The Sub Committee has 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.

None of the objectors attended the hearing to give oral evidence but the Committee considered carefully the written objections attached to the agenda.

The Committee heard from Mr Freeman, the applicant, who stated that he had recently taken over the premises in February this year and wished to enjoy the flexibility when entertainment was being provided. When questioned, Mr Freeman stated that he had not received any complaints about noise which could be identified as coming from his premises. Further, he estimated that approximately 75% of his customers came from the surrounding housing estate. Mr Freeman said that he had been trying to move his customer base towards the age group of 35 years plus and felt he had been successful in this. Mr Freeman stated that full CCTV had been installed and that he would provide a telephone number for residents to contact him should they have concerns about noise or other disturbance.

The Committee found that Mr Freeman gave his evidence clearly and openly and the Committee accepted what he said.

In contrast the Committee found that the objections contained largely speculative concerns about possible problems. However the Committee, neither saw nor heard any evidence to suggest that there was a real possibility of these concerns being borne out. The Committee therefore felt that this application was not likely to undermine any of the licensing objectives, save in the one respect of the 'trade area'. The Committee felt that as this opened on to the outside drinking area/car park and there were newly built properties a short distance away, that there was the

possibility of noise nuisance occurring when entertainment was being offered and this was the reason for the condition referred to above.

Finally the Committee noted Mr Freemans offer that he would make a telephone number available should residents have issues with noise or other problems. Without imposing any binding legal obligation the Committee strongly recommends that this is done.

All parties are reminded that they are entitled to request a review of the license at any time if the Licensing Objectives are compromised.

All parties have the right to appeal to the Magistrates Court within 21 days of this decision. A Responsible Authority or interested party has the right to request the Local Authority to review the licence. Such an application may be made at any time, but it is in the discretion of the Local Authority to hold the review, and a review will not normally be held within the first twelve months of a licence, save for the most compelling reasons.

(Duration of meeting: 10.00 - 11.45 am)

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