

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 28 June 2011

In respect of an application for a Premises Licence by James Beanland for The Old Fire Station, Warminster

Decision:

The Western Area Licensing Sub Committee has resolved to refuse the application in respect of a Premises Licence at The Old Fire Station, Warminster.

Evidence:

The Sub-Committee have considered the written evidence presented in the agenda, together with the oral evidence given at the hearing from James Beanland (Applicant), Major J McKay, Mrs B Glasson, Mrs B Cole, Mr A Duff, Mrs V Allen, Mrs Beagles, Mrs B Owens, Mrs Fretwell, Mrs M Batchelor, Mr T Gilvray, Mrs M Brannigan, Mr M Brassington, Mrs S Jones (Interested Parties) and Mr G Steady (Public Protection Officer).

Reasons:

The Sub-committee noted that, although noise assessments had been carried out on behalf of the applicant, the results of these assessments were not yet available and had not been considered by the Environmental Protection Team. As a result, the Environmental Protection Team were not satisfied that amplified music could be played without causing a nuisance and that their view was that, if the application were to be approved, the provision of regulated entertainment should be excluded from the licence.

The Sub-Committee considered the evidence from the applicant as to how he proposed to operate the premises to limit any problems that might be caused to neighbouring residents. They also considered the evidence from the interested parties that, due to the proximity of the premises to their homes, they would suffer unacceptable levels of noise and other nuisance from the premises,

The Sub-committee carefully considered whether the application could be made acceptable by the removal of licensable activities, as recommended by the Environmental Protection Team, or by the imposition of appropriate conditions. However, given the proximity of the premises to residential properties, the sub-committee did not consider that any mitigating conditions would satisfactorily address the licensing objectives, in particular the prevention of public nuisance.

In reaching its decision 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.

Right to Appeal

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