

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 28 JUNE 2011 AT THE MAIN HALL, WARMINSTER TOWN COUNCIL, DEWEY HOUSE, NORTH ROAD, WARMINSTER, IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE FOR THE OLD FIRE STATION, WARMINSTER

Present:

Cllr Desna Allen, Cllr Trevor Carbin and Cllr George Jeans

Also Present:

Maggie Jones (Licensing Officer), Graham Steady (Public Protection Officer) Paul Taylor (Solicitor), and Anna Thurman (Democratic Services Officer)

11. **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.

12. **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).

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

Application by James Beanland for a Premises Licence at The Old Fire Station, Warminster.

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 the Interested Parties were given the opportunity to address the Sub-Committee.

Key points raised by James Beanland the Applicant:

- He wanted to create a modern contemporary wine bar with a relaxed atmosphere for which he believed there was a market for in the town.
- Music would be played at a controlled level.
- Smoking would not be permitted on the street outside the premises, a designated area would be allocated at the rear of the building enclosed by a 2.1m wall.
- No open containers would be allowed to leave the premises therefore there would not be an issue with bottles or glasses being broken in the street.

Key points raised by the Responsible Authority, Graham Steady of Public Protection, Wiltshire Council were:

- The applicant is proposing the playing of amplified music and to date a report which would demonstrate its use without causing undue loss of amenity to the neighbours has not been seen. In the absence of this and the lack of confidence in the acoustics of the building making it likely that noise nuisance would be caused by noise breakout to the dwellings in close proximity of The Old Fire Station, his advice would be to exclude the provision of regulated music with in the license if approved.

Interested Parties were primarily represented by Major J McKay. Others who also spoke were Mrs B Glasson, Mrs B Cole, Mr A Duff, Mrs V Allen, Mrs D Beagles, Mrs B Owens, Mrs I Fretwell, Mrs M Batchelor, Mr T Gilvray, Mrs M Brannigan, Mr M Brassington and Mrs S Jones. Key points raised were:

- Opening hours of the proposed venue would conflict have an impact on children of local residents being disadvantaged by noise.
- The local crèche, already have to pick up glasses and bottles from a nearby club and often residents have to remove urine and vomit from walls and pavements.
- Noise nuisance would be caused by amplified music including karaoke, people outside smoking, deliveries occurring before 7am, commercial

waste collection and additional vehicles such as taxis picking up revellers up from premises late at night.

- Commercial waste collections will cause additional pressure for residents as pavements are narrow and elderly residents will have to walk in the road.
- Extra lighting will spill into local housing.
- Closing times with another local bar will correlate and there will be potential to cause crime and disorder.
- Parking for local residents is already cramped and additional premises where there is no available parking will exacerbate the parking situation.

The parties were given the opportunity to ask questions of the Applicant, Responsible Authority, Interested Parties and Wiltshire Council Officers.

The Sub-Committee members sought clarification on some points before retiring to consider the application. Points raised in clarification were:

- Bottles being thrown away will cause additional noise especially at night, Mr Beanland informed the committee that it was his intention to use a glass crusher, and that bottles would not be disposed of until during the day.
- It was noted that door staff would be employed at weekends, concern was raised what would happen on weekday nights. Mr Beanland intended to undergo the door staff training himself, so that there would always be a qualified doorman on the premises.
- The committee asked whether Mr Beanland had been in discussions with the Environmental Protection Team regarding insulation of the premises regarding noise. Mr Steady replied that Mr Beanland had been in consultation with a colleague.

The Sub-Committee then retired to consider the application at 3.10pm

The Hearing reconvened at 4.30pm

Following the deliberations of the Sub-Committee Members, the Solicitor for the Council stated that he had given no specific material legal advice in the 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

The Western Area Licensing Sub Committee has

Resolved:

to refuse the application in respect of a Premises Licence at The Old Fire Station, Warminster.

Reasons:

The Sub-Committee 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).

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.

(Duration of meeting: 2.00pm – 4.30pm)

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