

WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 1 AUGUST 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE IN RESPECT OF AN APPLICATION FOR A.

Present:

Cllr Trevor Carbin, Cllr Peggy Dow and Cllr George Jeans

Also Present:

Sukdave Ghuman (Principal Litigation Solicitor), Maggie Jones (Public Protection Officer – Licensing) and (Anna Thurman (Democratic Services Officer)

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. **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).

23. **Chairman's Announcements**

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

24. **Declarations of Interest**

There were no interests declared.

25. **Exclusion of the Press and Public**

After legal advice the Sub Committee chose not to exclude the press and public.

26. **Licensing Application**

Hearing for the Police Objection Notice received in respect of a Temporary Events Notice for The Carpenters Arms in Trowbridge.

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

Key points raised by Jacqui Gallimore on behalf of Wiltshire Police were:

- That they had concerns over the effective running of the premises and had engaged in a number of informal conversations with the licensee. Ms Gallimore went on to identify 6 incidents within June and July 2011 where the Police had been called to attend the premises. She acknowledged the efforts made by the licensee to improve the situation but that these were not sufficient.

Key points raised by Tamantha Davis, Licensee of the Carpenters Arms were:

- That she was inexperienced as a licence holder and that the Carpenters Arms was a challenging establishment. Some of the issues that the pub experienced were those of individuals already intoxicated walking up from the town. Efforts had been made to alleviate some of the problems such as limiting the number of people smoking in the alley, shutting the premises doors at midnight, attending Pubwatch and the use of door staff. She explained that the Jamaican Independence Day private party would be a family event with maximum attendance of 50 people.

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 and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 11.10am.

The Hearing reconvened at 12.00 noon.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of 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:

To allow the request for a Temporary Events Notice to take place on the 6 August 2011 at the Carpenters Arms from 9pm to 2.30am.

The Sub Committee noted that the Temporary Events Notice for the 12 August 2011 had been formally withdrawn.

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 their decision after consideration of the written evidence presented together with the oral evidence given by the parties to the hearing.

The evidence presented to the Sub Committee by the Police of incidents of disorder in or around the premises was noted.

The Sub Committee also noted the evidence from Tamantha Davis and Bev Hines that registered door staff would be on duty at the event, the doors to the premises would be shut at 12 midnight with no further entry of individuals, that attendance to the function would be limited to 50 persons and that the number of people in the alley is restricted to 4 individuals at one time.

Right of Appeal

The Premises User or the Chief Officer of Police may appeal against the Sub Committee's decision to the Magistrate's Court. Any appeal must be lodged within 21 days beginning with the day on which the appellant was notified of the decision. No appeal may be brought later than five working days before the day of the proposed temporary event.

(Duration of meeting: 10.30 am - 12.15 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic Services, direct line 01225 713 597, e-mail marie.gondlach@wiltshire.gov.uk

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